

1991-01-01

Volume 1, 1991

Nora French
Technological University Dublin

Ellen Hazelkorn
Technological University Dublin, ellen.hazelkorn@tudublin.ie

Wolfgang Truetzschler
Technological University Dublin

Follow this and additional works at: <https://arrow.tudublin.ie/jouicriss>

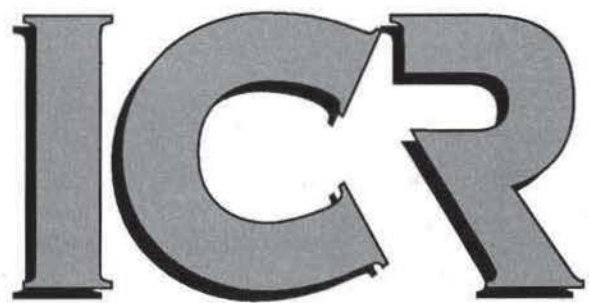
Recommended Citation

French, Nora; Hazelkorn, Ellen; and Truetzschler, Wolfgang, "Volume 1, 1991" (1991). *Issues*. 5.
<https://arrow.tudublin.ie/jouicriss/5>

This Article is brought to you for free and open access by the Irish Communications Review at ARROW@TU Dublin. It has been accepted for inclusion in Issues by an authorized administrator of ARROW@TU Dublin. For more information, please contact yvonne.desmond@tudublin.ie, arrow.admin@tudublin.ie, brian.widdis@tudublin.ie.



This work is licensed under a [Creative Commons Attribution-NonCommercial-Share Alike 3.0 License](https://creativecommons.org/licenses/by-nc-sa/3.0/)



IRISH COMMUNICATIONS REVIEW

1991 • VOLUME 1

ISSN 0791-0010

Editors:

Nora French
Ellen Hazelkorn
Wolfgang Truetzschler

Editorial Advisory Board:

Lelia Doolan, Galway
Peter Haratonic, Hofstra University, New York
Mary Kelly, University College Dublin
Denis McQuail, University Of Amsterdam
Joe Mulholland, Radio Telefis Eireann
Fintan O'Toole, *Irish Times*
Kevin Rockett, Irish Film Institute
David Singleton, Trinity College Dublin
Jeremy Tunstall, City University of London

All correspondence should be addressed to
Irish Communications Review,
Dublin Institute of Technology,
College of Commerce,
Rathmines,
Dublin 6,
Ireland.

For E-mail address to ICR @ DIT.IE.

Annual subscription rates (single issue 1991)
Individual rate £8/\$15 Institutional rate £16/\$30

Information for contributors is to be found on the inside back cover.

Printed in association with



Copyright © 1991 DIT College of Commerce

ISSN 0791-0010

Reports:

- | | | |
|-----------------------|--|---|
| Wolfgang Truetzschler | Foreign Investment in the Media in Ireland | 1 |
|-----------------------|--|---|

Articles:

- | | | |
|-----------------------|---|----|
| Mary Kelly | The Television Audience: A Research Review | 4 |
| John Murray | Glasnost 1990 | 13 |
| Kevin Rockett | Aspects of the Los Angelesation of Ireland | 18 |
| Wolfgang Truetzschler | Broadcasting Law and Broadcasting Policy in Ireland | 24 |

Documents:

- | | |
|---|----|
| EC Directive on Television Broadcasting Activities (October 1989) | 37 |
|---|----|

Discussion

- | | | |
|-----------------|--|----|
| Vibeke Petersen | Television in an Uneasy Place between Culture and Industry | 46 |
| Mario Hirsch | Television Without Frontiers: The Economic Dimension | 50 |

Reviews:

- | | |
|---|----|
| <i>Inside Family Viewing: Ethnographic Research on Television's Audiences</i> , James Lull (London: Routledge, 1990) | 53 |
| <i>Teachers and Television. A History of the IBA Educational Fellowship Scheme</i> , Josephine Langham (London: John Libby, 1990) | 55 |
| <i>Television and Women's Culture: The Politics of the Popular</i> , ed. Mary Ellen Brown (London: Sage, 1990) | 56 |
| <i>Cool Memories</i> , Jean Baudrillard (London: Verso, 1990) | 57 |
-

Foreign investment in the media in Ireland

Wolfgang Truetzschler

Satellite Broadcasting, Film/Video Production and Distribution, Advertising

There are an increasing number of instances of foreign (mainly U.S.) capital investments in the Irish media. Generally, foreign ownership, although on the increase, is quite limited and of no particular (outspoken) concern to any group or politicians within Ireland. In Irish law there are no explicitly stated restrictions on foreign ownership of Irish media services, but in early 1991 it still seems unlikely that any Irish mass medium will be totally foreign-owned in the near future. The exceptions to this are those media whose requirements of investment capital would far exceed the financial capacity of a small state like Ireland. This is the case in Direct Broadcasting by Satellite (DBS), where the licence for Irish DBS was awarded to Atlantic Satellites, a company 87 per cent of whose shares are owned by Hughes Communication, a subsidiary of the US Hughes Aircraft Corporation.

A further section of the media industry in which foreign ownership dominates is advertising, in that the majority of the larger Irish advertising agencies, as is the case in a great number of West European countries, are owned by US and UK multinational agencies. In fact, multinational agencies now control more than half the advertising agency turnover of around £150 million (1990). In the field of outdoor advertising, the Irish company with around 67 per cent of the market (David Allen Outdoor Advertising) is owned by the French media multinational Avenir Havas.

As well as that, TV3, the planned private commercial television channel may turn out to be partially, if not wholly owned by foreign companies, seeing that the TV3 consortium seems to be running into difficulties finding Irish investors willing to put up all of the £30 million necessary to set up the television station (see below). Another area of the mass media that is almost wholly foreign owned is that of film distribution which - like in many other countries - is mainly in the hands of the major US film companies. On the other hand, the Irish film and television programme production industry consists mainly of Irish owned companies. The only exception is film animation which has become a major part of the Irish film industry, due to the establishment of three companies of US origin (Sullivan Bluth Studios, Murakami Wolf, and Emerald City (1)).

Although foreign owned, Irish state agencies retain a certain amount of control in the sections of the media industry outlined above. Thus the services provided by any future Irish satellite are subject to government approval; in the area of film distribution, all films shown in Ireland are subject to the fairly extensive Censorship of Film legislation which specifies, inter alia, that all films shown in public need a certificate issued by Ireland's Film Censor.

Advertising is subject to an agreed code of advertising standards drawn up by the Irish advertising industry; broadcast advertising is subject to the government-approved RTE Code of Standards for Broadcast Advertising. In future, broadcast advertising will be subject to the EC Directive on Television Broadcasting 1989, and to a 'code of practice relating to advertising and other commercial promotions', which the Minister for Communications is obliged to draw up under Section 4 of the Broadcasting Act 1990.

Print media

Foreign ownership of the press in Ireland is, as yet, quite limited, but there are a number of instances of it. The main one is the 1989 acquisition of a controlling 50 per cent share in the loss-making Irish Press Newspapers by the US company Ingersoll Publications. Irish Press newspapers publish three national papers: the *Irish Press*, *Evening Press*, and the *Sunday Press* with audited circulation figures (1990) of 60,635, 99,467 and 207,852 copies respectively. However, as this group of newspapers has only a relatively small market share (approximately 24 per cent of the total circulation of national daily newspapers and 23 per cent of national Sunday newspapers (1990)), the sale has a fairly negligible effect in terms of overall foreign ownership of the press.

As well as that, Eurexpan, a Belgian subsidiary of the French publishing Groupe Expansion, owns a 50 per cent shareholding in the *Sunday Business Post*, a new business newspaper launched in November 1989. The tabloid newspaper *The Star*, with an average daily circulation of 76,752 sold copies (1990), is jointly owned by the Irish company Independent Newspapers and Express Newspapers (UK). Furthermore, the British publishing empire run by Robert Maxwell has bought a controlling interest

Wolfgang Truetzschler is a lecturer in communications in the Dublin Institute of Technology and a member of the Euromedia Research Group. His most recent publications include papers on media policy in Ireland and on local radio in Europe. He is joint editor of a forthcoming book by the Euromedia Research Group on European media policy.

1. The largest of these 3 companies, Sullivan Bluth Studios, which has its headquarters in Dublin, at the time of writing, is involved in negotiations with potential European investors for substantial equity investment. Emerald City, which has its headquarters in the US, closed its Irish operation in March 1991, apparently due to a decline in US investments - a result of the Gulf War.

in Irish Tatler Publications, publisher of seven consumer magazines in all, including several in-house titles of a number of Irish companies.

Newspaper reports in June 1990 reported on a planned acquisition that would constitute a significant inroad into foreign ownership of the Irish press medium, namely the planned purchase of 20 per cent of Independent Newspapers (the largest press group in Ireland) by the *Washington Post*. Apparently, the *Washington Post* Company, which is also involved in U.S. cable television, became interested in the Irish company because of the latter company's interest in 18 of the recently awarded Multipoint Microwave Distribution System (MMDS) licences (2), Ireland being the first EC country to use this television retransmission technology which is seen as having a potential for the television system in Europe generally. What may not be unrelated to this reported planned acquisition is the fact that Dr. Tony O'Reilly, chairman (and owner of the largest shareholding) of Independent Newspapers is a member of the board of the U.S. company. However, at the end of February 1991 there has been no further news on this planned acquisition: in fact an enquiry to the head office of Independent Newspapers elicited the response that this deal had not materialized.

Again, it is probably the small size of the Irish market that has to date precluded foreign, especially British, publishers from buying up Irish newspapers/magazines. As well as that British newspapers are freely available in Ireland and as Ireland, unlike the UK, imposes value-added tax on the printing of newspapers, the U.K. newspapers are generally cheaper than Irish newspapers. Therefore it is probably far more profitable for British newspapers to print a few extra copies of their British editions for the Irish market than to contemplate buying an Irish newspaper company. Ireland retains a certain amount of control of imported publications through its censorship laws. Thus some British publications are banned from sale in Ireland, especially ones which are construed by the official Censor of Publications as being obscene, or not in the interests of public morality, e.g. magazines such as *Playboy*, and most recently the *Sunday Sports*. (The same legislation applies to books, and it tends to be foreign books of an explicit sexual nature that are banned in Ireland.)

Broadcast and Electronic Media

Concerning the broadcast media, at times there seems to be what could be described as an implicit (i.e. not formally stated) government policy of restricting (or at least limiting) foreign ownership of this mass medium (which generally tends to be more highly regulated than the press). The clearest recent (1990) instance of this was the insistence by the Government on the sale of Cablelink, the largest cable operator in Ireland with over 80 per cent of the total number of cable television subscribers, to Telecom Eireann rather than to the US company PacTel (thereby also preventing any possible competition by PacTel with Telecom Eireann in the provision of telecommunications services via cable systems networks).

With the exception of the Dublin station 98 FM, in which 18 per cent of the shares are held by Downtown Radio, Belfast (and a further 2 per cent by one of directors of the Northern Irish station), the licences for private local radio services are in the hands of Irish companies. In fact, the broadcasting contracts between these companies and the Independent Radio and Television Commission (IRTC) specify that any change in ownership of the respective radio station (and of ownership of more than 25 per cent of the shares in individual stations by a person not normally resident in a member state of the European Communities) is subject to the approval of the IRTC, whose decisions in turn are subject to approval by the Minister for Communications. In this way, any possible buy-out of a broadcast medium could in theory be prevented by the government, should it wish to do so.

As regards the planned TV3, it is generally expected that this new service will be partially foreign owned. It seems likely that one of the British ITV companies, such as Yorkshire Television and/or Northern Ireland's UTV, will take a share in TV3 or will come to some arrangement in terms of sharing programming. Also, a newspaper report in October 1990 stated that Radio Luxembourg's (RTL) parent company CLT is involved in negotiations about becoming a major investor in TV3. There may be some accuracy in this press report as an investment of this nature would seem to be of interest for CLT as it would give RTL with its experience in television broadcasting a foothold in English language television. However, a more precise evaluation of the possible ownership of TV3 will have to await the signing of contracts between TV3 and the IRTC, an event which is expected to happen in the late spring of 1991.

Another instance of foreign investment in the Irish broadcast media is the national private commercial radio station, Century 100. In 1990 Century was reported to have accumulated losses of between £3-£4 million since the start of its operations in mid 1989. Since then Capital Radio London has provided the station with loan capital of IR£1.5 million as part of a management contract for Century Radio. As part of this deal, Capital Radio was given the option of taking a 20 per cent share in Century, an

2. See the article on 'Broadcasting Law and Broadcasting Policy in Ireland' in this issue.

option that has not yet been taken up at the end of February 1991. So effectively Century is currently being operated in line with programming and operational ideas partially emanating from London. Whether or not this means that ultimately Capital Radio will own a major share in the Irish national radio service is not yet clear.

Concerning cable systems, the second largest operator in the State, the firm Cable Management (Ire) Ltd., is a mainly US owned company. The firm has 18 of the 43 cable television licences issued by the Department of Communications, and has a total of approximately 35,000 cable television subscribers. It is also one of the seven MMDS franchisees and has been allocated four of the 29 MMDS television retransmission licences in the Donegal/Sligo area. The company is currently upgrading its cable systems in order to provide a maximum of 35 television channels to its subscribers. Cable Management may also become a major force in the provision of cable television in Northern Ireland where it has acquired (from British Telecom) the firm Ulster Cablevision, the company licensed to provide cable television in Belfast. The company is currently planning to instal cable television in around 130,000 homes in the greater Belfast area.

Finally, there is a certain amount of foreign investment in the Irish telematic media (3). Thus the company Minitel Communications Ltd. (MCL), which started its Minitel videotex service in March 1991, is a company jointly owned by Allied Irish Banks, Telecom Eireann, Telecom France and the French bank Credit Lyonnaise. Traditionally Irish videotex services have been undertaken primarily as private business ventures and were aimed at specific interest groups. However, Minitel will be the first service aimed not only at the business market, but also at the general Irish consumer market. MCL is currently introducing 5000 Minitel terminals in Ireland, it plans to increase this number to 10,000 over the next 5 years.

3. According to the International Telecommunications Union, telematics describes a set of services, different from the traditional telegraphic and telephonic ones, which can be provided to the users by a telecommunications net and which allow public and private information and data to be sent and received. Telematic media include electronic mail, videotex, teletext, videoconferencing, homebanking, etc.

Mary Kelly, PhD, is a lecturer in sociology in University College Dublin. Her main teaching and research interests lie in the area of the sociology of communications and culture, both within Ireland and within a comparative European framework.

The television audience: A research review

Mary Kelly

Television researchers, like television producers, regulators and other commentators, have used a variety of perspectives in their attempt to understand different facets of that apparently simple but in effect rather illusive category 'the television audience'. In this article I will look at three of these: those which have emphasised the audience as consumers, those which have defined the audience as public citizens, and those which have focused on the audience as cultural actors. While noting previous research within each of these perspectives and drawing on Irish research when available, I will particularly concentrate on more recent developments. These developments have tended to break down some of the earlier boundaries between perspectives, between their different definitions of the audience and between their different methodologies.

In recent years there has been renewed interest in the television audience, due to two major stimuli. One is interest in examining changing audience behaviour in the light of the introduction into the home of new media technologies - especially cable, satellite and video, and the related internationalization and commercialization of television programming.

The second is the increasing theoretical interest among media researchers in culture, in everyday social practices, and in understanding the relationship between everyday socio-cultural practices and power. This latter theoretical interest has opened up a space for new theoretical and empirical work on the television audience.

Research on the Audience as Consumers

Research into the audience as media consumers has taken three forms. The first identified the audience as a mass of individual consumers, and investigated the psychological effects of media content on these individual consumers. This is often entitled a 'stimulus - response' model of media consumption. The second model saw each audience member as having socio-psychological motivations which s/he sought to gratify through media consumption decisions - and was hence entitled a 'uses and gratifications' model of media consumption. A third model sees these socio-psychologically motivated consumption decisions as being taken within, and centrally influenced by, broader socio-cultural contexts and taste cultures.

Since the 1920s media researchers have been interested in systematically investigating the influence of the media on the attitudes and behaviour of audience members. In the early days researchers were interested in the influence of films, later moving on to radio and subsequently to television. Simplistic models of audience 'effects' drawing on a stimulus-response model were soon abandoned by some, as research highlighted how the existing cognitive and emotional dispositions of the audience member influenced what was viewed and how the viewer responded. Research also began to note the influence of the viewer's social environment on these predispositions.

The movement from the first to the second model may be exemplified in the extensive research on the influence of violent TV on children which has been undertaken in the USA. A general conclusion of this research is that some children may be encouraged in their aggressive behaviour by viewing some types of violent TV programmes. This tends to occur, however, only under certain conditions. One such important condition is an existing predisposition in the child to be aggressive. A second concerns the attitudes towards aggression of those in the child's immediate social environment. In general, these attitudes must be accepting of aggressive behaviour - or even encourage aggression - if the child is to act aggressively. A third condition is the particular form of violence seen by the child. This latter condition includes such factors as the perceived authoritativeness of the programme seen and the reality of the violence to the child (see Brown, 1976; Comstock et al, 1975, Howitt, 1982; Lowery et al, 1983).

These three findings - firstly, that TV does not generally create attitudes or behavioural responses in the viewer but may confirm existing predispositions; secondly, that the message is mediated by significant others in the viewer's environment, and thirdly that the programme form is important - are typical of a wide range of research findings on media effects. These findings hold true whether the research has examined the influence of media violence on children or the influence of election television on voters.

The importance of understanding attitudinal and behavioural predispositions led researchers, as noted above, to develop the 'uses and gratifications' approach to the television audience. This approach focuses on how individuals actively use media content to obtain gratification, and to fulfil their own pre-existing needs and interests.

While some research in this tradition has fruitfully - if routinely - identified a typical set of motivations for media use (e.g. the desire for information, for diversion, for social contact or to reinforce one's personal identity), other researchers have pushed this 'uses and gratifications' framework further by examining what kinds of personalities choose what kinds of programmes and why. This was the social psychological approach taken by Grant Noble in *Children in Front of the Small Screen*. He undertook research into viewing patterns among 13-15 year olds in a boarding school for 'somewhat privileged boys' in Dublin in the early 1970s. He concluded by identifying three categories of boys: Conformist, Rebel and Problem boys. Each category, he argued, had their own programme preferences, motivation to view and televiewing style. He examined how these preferences and televiewing styles were influenced by their social environment, in particular their relationship with their family and peer group. I summarise his conclusions below.

Conformist boys had a strong sense of their own identity, an identity which they perceived as supported by the views of peers, parents and teachers about them. They were also strongly embedded in peer group relationships. This group enjoyed news and comedy programmes in particular, and talked about the content of these programmes with family and friends. Rebel boys tended to be identified by other boys as leaders, but not as close friends. They had a relatively clear sense of their own identity, but rejected what they perceived as parental and teacher conceptions of them. These boys sought out programmes which featured the lone urban man, the lone and aggressive hero, in, for example, detective and western stories, and identified with such heroes. They tended not to discuss programmes with parents, but did use TV viewing to start up conversations with friends. They interacted within 'straight' TV presenters (e.g. newsreaders) by, for example, making rude comment at them while on the television screen. The last category, problem boys, had little sense of their own identity, often coming from 'problem' family settings and were isolated from peer groups. Again these social factors had consequences for the type of programmes viewed and preferred and the emotional gratifications sought from these programmes. These boys were found to enjoy serials, especially family based serials. They liked programmes in which there was a regularly appearing group of people. They identified with TV characters more than either of the other categories. Noble argues that they used TV in order to practice interaction within a highly predictable and routinized setting. They did this in order to try to learn how to interact successfully, and to establish a more stable identity. They sought companionship and reassurance from television viewing.

The more interesting research in this tradition has thus, I would argue, moved from simply identifying lists of motivations to an examination of the social-psychological predisposition to view certain programme types, and further, to examine the socio-cultural contexts within which both psychological predispositions and certain preferences and 'taste' cultures develop. This represents a movement away from an individualistic conception of the viewer, to the viewer as social and cultural actor.

The most recent research on viewers as consumers thus concentrates on, not so much the individual consumer, but on the social and cultural contexts in which consumption decisions regarding TV are taken, in particular the social context of the household and the cultural context of socially structured taste cultures.

The recent priority given to investigating the domestic context of the home, and the placing of the TV consumer within this context is, in part, due to increasing interest in new information and consumer technologies and in understanding how domestic decisions are reached regarding incorporating such new services as cable and satellite TV, teletext, VCRs and computers within the home.

Increasingly this research has relied on detailed ethnographic and intensive interviewing methods to investigate media consumption within the context of family and household interaction, values and lifestyle. It also recognizes that family interaction is embedded in the broader social and cultural contexts of, among others, class, gender, generational, educational, ethnic and national taste cultures. Thus, '...the analysis of broadcasting must be reformulated to take into account its inscription within the routines of everyday life and the interweaving of public and domestic discourses' (Morley et al, 1990:33).

Within the domestic sphere, the question is: what are the family and household dynamics which influence consumption decisions - regarding, for example, buying a video, subscribing to cable or satellite services, deciding which programmes to watch, or who may use the remote control and when. How are these decisions taken or negotiated within the 'microsocial environments of family and household interaction'?

(ibid). Research findings from Britain, the U.S. and Germany indicate that these consumption decisions regarding new communication technologies - their buying and usage - tend to be predominantly in the hands of husband/father, and thus the consumption of the new media is tending to constitute a 'masculine domain' within the household. Sonia Livingstone elaborates:

'Through technology, specifically through his preferred programme genres - sports or documentaries rather than soaps or dramas, through his use of the programme listings in the paper to anticipate demand, of the video recorder to time-shift woman's [programme] interests, with his zapping with the remote control to monitor other channels, and his 'shhh' to maintain viewing in his concentrated, not fragmentary, style, the man controls the major, shared living space. Technologies are used, then, to further establish male power in the home, extending public gender relations into the privacy of the family, expressing the subordination of non-earning or low paid women and legitimating the undervaluing of their domestic concerns' (Livingstone, 1991). (See also Rogge et al., 1988; Lindhof, 1987.)

Also within the context of the domestic sphere, there is increasing interest in exploring further different televiewing styles between men and women. Why, across a wide variety of different societies, do we find a consistent preference by men for news and sports, and a preference for soaps and drama by women? Why is the televiewing style of women more fragmentary than that for men, with women frequently doing other things (ironing, knitting, chatting) as well as viewing? Explanations have been offered in terms of the differential meaning of 'the home' for women as a site for work, while for men it is much more frequently seen as a site for leisure. Yet women may also, given the opportunity, take 'time out' to watch a favourite soap or 'weepie' film, in, for example, the afternoon, or read a romantic novel, and thus create a private and personal space. She may also tend to use an older communication technology - the telephone - in a different way to men: to maintain family and friendship networks, and as a source of emotional involvement, communication and pleasure. For men, the telephone is more frequently seen as simply functional - to make arrangements, while chat is avoided (see Livingstone, 1990; Morley et al., 1991; Silverstone, 1990).

Thus patterns of consumption - of both old and new communication technologies - are being investigated in terms of family patterns of negotiation, decision making and power; in terms of how the family and household is embedded in the wider world of kinship, friendship, neighbourhood and work, and indeed how this embedding may be differentially experienced by men and women, depending on, for example, whether or not they work outside the home, and their differential responsibilities within the home.

A further mode of investigating consumption decisions examines how they are influenced by 'taste cultures', and in particular by class based cultures. This perspective would suggest that consumption decisions regarding new communication technologies and their display and usage in the home are influenced by the desire of consumers to strategically appropriate and publicly use these technologies as 'markers of differentiation', marking the consuming family as members of a particular taste culture. Such markers operate as claims to identity, to membership of a particular group, and to status.

A theory of the relationship between 'taste cultures' and social class has been elaborated by Pierre Bourdieu in his attempt to explain the very different tastes of the upper, middle and working class in France. He argues that the differential material and social conditions of existence experienced by those in different social classes gives rise to very different dispositions and desires (labelled 'habitus' by Bourdieu) which are expressed in different taste and consumption styles. These taste cultures, he suggests, are further influenced by education. Thus the upper middle classes who have achieved status through education, attempt to copperfasten their claim to 'superiority' through particular consumption styles - styles frequently based on claims to superior or esoteric knowledge - such as knowledge of contemporary 'art' films and contemporary music; of health foods; or new technologies. This consumption style may be contrasted with what the educated middle class might characterize as the conspicuous (and somewhat vulgar) consumption of those whose status is based not on cultural or educational capital but on economic capital. The latter may prefer fast cars and large homes with a TV and video in every bedroom. Classes thus compete and struggle to establish, maintain and reproduce their status through elaborating taste and consumption cultures, hence claiming symbolic superiority over others (Bourdieu, 1984; Millar, 1987; Dimaggio, 1982).

The above discussion on the audience as consumers has traced the movement by researchers from a passive to an active conception of audience behaviour, and from a

more individualistic and psychological perspective to one which emphasizes the socio-cultural, domestic, class and gendered contexts in which consumption decisions are made regarding the use of new communication technologies in the home, and regarding what programmes to watch and how they are watched. At this point the emphasis on the audience as consumers begins to articulate closely with perspectives on the audience as cultural actors, and thus will be taken up again in the third section below.

Research on The Audience as Public Citizens.

The audience may be defined not only as consumers but as citizens. Through this lens television viewers are frequently seen as citizens of a particular nation state, involved in a public democratic discourse and hence with the right to be informed, to question elites and to make informed decisions. Research of relevance in this context includes investigations of the extent to which viewers can be directly informed and influenced by the media on matters of public concern, as well as the indirect influence of the media on citizens and on the quality of public and democratic life generally, by the way in which the media may contribute to the modification of political, religious, economic and other major institutions.

Most of the research on both direct and indirect media influences has examined the relationship between the media and politics, in particular examining the media's 'agenda setting' powers - its power, through consistently highlighting particular issues and presenting them within a particular ideological frame to 'define reality' for viewers and to ensure that these issues are placed on the public agenda. While it is difficult to gain conclusive evidence of the media's agenda setting powers, it does appear that when individuals are heavily dependent on the media for knowledge about particular issues, have few alternative sources of information or little reinforcement for existing contrary views, the media may indeed have the power to both focus attention on this issue and to define the terms in which it will be discussed. Again, media influence will depend on certain complex filter conditions; for example, on the class, gender and political subcultures to which viewers belong and hence the predispositions and attitudes which influence what is viewed and how it is received; the extent to which the media is believed as a credible source of information; the way the message is presented and how frequently it is repeated (see Morley, 1980; Kosicki et al., 1990; McLeod et al., 1985; McQuail, 1987; Philo, 1990).

Given the potential agenda setting power of the media, it is important to ask: whose definition of reality is being reproduced and amplified by the media? What particular power groups within a society may influence the media's agenda? What is the relationship between political, economic, professional, religious and other elite groups and the media? Answers to these questions may help to explain why some issues are taken up and others excluded; some ideological themes continuously elaborated while others are marginalized or ignored (see Kelly, 1984 a and b).

The most overt form of control over the media is of course political censorship. The direct political censorship of broadcasting coverage of the conflict in Northern Ireland at present, proscribing the broadcasting of interviews with members of illegal organizations or reports of such interviews, requires that the self legitimating political statements of members of illegal organizations be ignored. This leads to violent incidents being reported as a series of unmotivated and irrational actions. Thus the 'news story' of Northern Ireland is frequently dominated by images of irrational violence. Given what is known about media power, the likely consequence for many in the Republic who rely on television and radio as the most credible source of news (75%), and who have few alternative sources of information on what is happening in Northern Ireland, is to be extremely ill-informed regarding one crucial aspect shaping the conflict in the Northern Ireland. Their rights as citizens to be so informed, and thus to enable them make informed decisions, has been fundamentally undermined (Kelly, 1986).

Not only may the media influence the audience, media coverage may also influence the actions of political actors. Thus, the media, by consistently putting a particular issue (e.g. crime, health-cuts) on the public agenda, may influence politicians to do something about this issue. In such instances politicians may use the media as a 'bystander public', assuming media concerns are also the public's concern. Likewise, a lack of media coverage can lead to political inaction.

Because of the close interaction and indeed interdependence of political and media institutions, it is frequently argued that the media, especially television, have fundamentally influenced the contemporary development of political institutions in democratic societies. Denis McQuail (1987) has summarized:

'Recurring ideas about the effects of media change on political institutions include the following: that personalities (leaders) have

become relatively more important; that attention has been diverted from the local and regional to the national stage; that face-to-face political campaigning has declined; that partisanship and ideology are less important than finding pragmatic solutions to agreed problems; that opinion polls have gained influence; that electorates have become more volatile (more inclined to change allegiance); that general news values have influenced the attention-gaining activities of political parties; that internal party channels of communication have been attenuated; that media tend more to determine terms of access for politicians; that media logic becomes more important than party logic in selection and presentation. As always, it is hard to separate out the effects of media change from broad changes in society working both on the media and on political institutions and there is much room for dispute about what is the real cause of a given effect.'

In this very complex area of the relationship between media, political institutions and audiences, an attempt was made to investigate some aspects of these interrelationships in a case study of media coverage of the 1979 European elections in all EEC countries including Ireland (see Kelly, 1983 and 1984c; Blumler, 1983).

From one perspective, the media in Ireland appeared powerful and autonomous - particularly relative to the government of the day. The press predefined the Euro-elections, some six months before election day, as a domestic and mid-term test for the government. Broadcasters followed suit. The government of the day (Fianna Fail), however loath to campaign on such a difficult terrain, felt obliged to do so, and indeed lost the election.

Yet the media operates, not simply in relation to the immediate government of the day, but within a given and broader political system, where relevant political factors in European elections include the timing of the elections in the national election cycle, and, given the fact that the same parties stand for European as well as national elections, Euro-election results are very likely to be taken as a test of domestic party strengths and weaknesses. Broadcasters in all European countries were found to be similarly influenced by the broad domestic political context within which the election was held. The comparative research concluded that the definition of an election and the status it is given, is not simply within the gift of the media. Rather, it is distilled out within the context of the often conflictual relationships between politicians, broadcasters and audiences within a particular national media-political system. These relationships and the balance of power and alliances at any one time vary.

It might also be noted at this point that broadcasting coverage of the European elections in Ireland, as in other EEC countries, operated as a politically mobilizing force. Those who watched the election coverage on TV were more likely to come out to vote than those who did not view. Furthermore, TV viewing was found to be particularly influential among those who were otherwise not interested in the elections. A follow-up study of the 1984 European elections replicated and confirmed these findings.

Previous research in Western Europe on the broadcasting audience as a 'public' has tended to see each national broadcasting organization as located within a particular nation state, and as being required by broadcasting legislation, as well as by the interests of broadcasters themselves, to be responsive to the democratic, cultural and political interests of that particular nation state. However, as the number of privately owned and commercial stations rapidly increases throughout Western Europe, and as ownership of these stations is increasingly internationalized and concentrated in a few hands, and as the number of imported entertainment programmes, especially from the US, offered by these new commercial stations rapidly outstrips those offered on the older public service stations, concern has been expressed regarding the consequences for audiences - especially the audience as citizens of a particular nation state. The concern is that ultimately there may be fewer home produced programmes, especially drama, current affairs and documentary productions (see Kelly, 1988), and that commercial broadcasting may be much less responsive to the democratic, public and cultural interests of the nation state, given that its primary interest is in making a profit, and that it tends to be owned by a few international media moguls. In this context we need, as Nicholas Garnham (1990:18) has noted, 'to rethink the concept of citizenship in the modern world', and to rethink the meaning of freedom of expression and information in a world of increased concentration of economic and communicative power and the consequences of these for the citizen, for informed political decision making and for representative democracy.

Furthermore, with the rapid increase in the amount of general entertainment programmes and sport on offer, viewers may increasingly switch to these programmes. This will reduce the importance of the national television service as a public

informational service and undermine its importance as a site for investigating the activities of political and other elite groups. Garnham (1990:124) has argued that such an undermining of television's present public service functions would contribute to reinforcing the increasing division between the information rich and information poor within society. He notes that the commercialization of the new communication technologies has led to the creation of a two-tier information market divided between rich and poor. The former can afford to subscribe to high cost specialized information, cultural and communication services characterized by range and diversity, while the latter are increasingly reduced to relying on homogenized entertainment services, which in many instances may be imported (see also Golding, 1990).

Concern has also been expressed regarding the increasing Americanization - or Dallasification as it is sometimes called - of West European television. As noted above, the new commercial stations have been found to import a much higher percentage of US general entertainment programmes than the older public service stations. From its inception, of course, RTE has had to face more foreign competition than almost any other national television channel in Europe. At the present time this includes overspill signals from British stations which, along with the third of the population who have cable, means that two thirds of the population receive the four British terrestrial channels, with cabled homes also receiving satellite channels. Furthermore, of the programmes RTE transmits, over 50% are imported. Nevertheless, Irish produced programmes are consistently the most popular programmes on RTE - *The Late Late Show*, *Glenroe*, *Today Tonight* and *The News*. However, recent legislation limiting advertising revenue on RTE, as well as the possible emergence of the commercial TV station TV3, is bound to limit the amount of finance available for home productions in the future.

Research on the choices and responses of audiences in the circumstances of more foreign competition and programming is just beginning in Europe. One such piece of research - in which Ireland is included - notes that while U.S. dramas such as *Dallas* are highly popular with European audiences, home produced serials tend to be even more popular. National audiences have been found to derive considerable pleasure from home produced series - especially in Britain and Ireland, with such series as *Coronation Street* and *Glenroe* - in comparison with popular U.S. series (Silj, 1988:45). The question is, will existing stations, given increased competition, be able to afford to continue making such home produced drama?

Media researchers also argue that as the number of television stations increase, and cross border and imported programmes flow in, the audience will inevitably fragment. This will considerably weaken the previous contribution of television to 'the construction of a national culture' (see Scannell, 1988; Schlesinger, 1987). As audiences fragment, the argument runs, the previous ability of one, or just a few, national stations to mobilize and involve the population as a whole in the calendar of national life (e.g. major national, sporting and festive events), and its ability to offer a shared dramatic construction and questioning of national identity in its news, current affairs and drama productions, will be considerably undermined both through financial constraints and because of audience fragmentation. They thus argue that the commercialization and internationalization of television will contribute fundamentally to the deconstruction of national cultures as well as to undermining television's central role in the public sphere. Television will thus become an internationalized and commercialized entertainment service rather than a public national service. These concerns are also expressed and investigated in research on audiences as cultural actors.

Research on Audiences as Cultural Actors

Some of the best research on the audience as cultural actors draws on a 'cultural studies' approach to the media. Within this approach, the media is assumed to be but one part of a much broader cultural scene, a scene which includes many diverse cultures. These cultures include, for example, different class, regional, generational, gender and linguistic cultures. The media tend to articulate and amplify some of these cultures while ignoring others. Thus the news tends to focus on the activities and views of political and economic elites, who also tend to be male, while ignoring to a large degree the lives of women and the working class. News also tends to focus on the other extreme of the social spectrum - on those who are seen as a social problem or as a threat to society. Thus, such groups as travellers, drug addicts, criminals, members of the working class when on strike, and in the political sphere, terrorists, tend to receive heavy news and current affairs coverage. Furthermore, these 'problem' groups frequently tend to be presented in a negative light.

Research within the cultural studies approach also investigates how different audiences respond to and interpret media content. It emphasises how groups in different social positions and with different cultural values - such as middle-class as

opposed to working-class groups, or men as opposed to women, or different generations - tend to select very different media forms and content to which to attend. Furthermore, when groups with different cultural values are exposed to the same media content, for example shown the same TV programme, they have been found to interpret its content in very different ways. Each group draws on its own cultural knowledge and values when responding to, enjoying and evaluating the programme. The audience is hence no longer seen as an undifferentiated 'mass' audience. On the contrary, the audience is seen as highly differentiated, each group with its own culture, values and interest, which materially influence how members actively construct meaning around the TV programmes they view (see Morley, 1980).

Some researchers have laid particular emphasis on the potential openness of the TV text to a very wide variety of meanings, depending on the subcultural context and values of the viewer (see Fiske, 1987). Others are much more critical of this broad 'polysemic' approach, arguing that texts are constructed around and have embedded in their form, thematic and narrative structures, particular 'preferred' or ideological readings. Greg Philo (1990), for example, having undertaken research on the TV news coverage of the miners' strike in Britain, has shown that the overwhelming majority (98%) of his respondents perceived and remembered the TV news coverage of miners on the picket line as consistently highlighting violence. Just over half agreed with this definition of the event, believing that most picketing was violent. Of those who rejected this definition (43%), believing that the picketing was in fact mostly peaceful, only some did so by drawing on subcultural values which offered alternative definitions. This was the case, for example, for a group of Scottish trade unionists, for a group of print workers and a group of miners themselves. Others, however, rejected the TV definition on other grounds: on the basis that it was contradicted by alternative sources of information (e.g. other media coverage, personal experience of the strike or of miners); or on the basis of a general critique of how TV news is constructed or in terms of logic (e.g. not all miners could have been violent, otherwise there would have been a revolution). As noted above, however, over half of the respondents accepted the television version - this included some who were sympathetic to the miners, but accepted the media view due to the lack of alternative definitions of the situation.

It would thus appear that subcultural values need to be particularly salient and strong to offer alternative definitions which will overwhelm the preferred reading embedded in the text. Other sources of alternative readings may come from the information supplied by other media, through personal knowledge, from a knowledgeable critique of how news is constructed and from subjecting the TV version to some inquiries in logic. However, in the instance of the miners' strike, the TV news' 'preferred' definition of miners' behaviour on the picket line as violent was accepted by a slender majority.

Media researchers in the past decade have also become interested in how subcultural values influence the decoding of television drama. One of the most interesting pieces of research in this area has been undertaken by Barbara O'Connor (1987) on the meaning and pleasure of television viewing for Irish women audiences. She examines, in a small scale but in-depth study, the role of TV in the lives of various groups of women differentiated by class, age and urban/rural background. She argues that women's position in the social structure gave rise to differential cultural experiences, competences and orientations which, in turn, influence the ways in which they use and respond to the media. Her findings show that preferences for different kinds of programmes, the pleasures received from these programmes, and the construction of meaning around a particular TV drama (in this instance, *The Ballroom of Romance*) varies very significantly in terms of class, gender, generation and urban/rural location of the Irish woman viewer.

In a further piece of research on Irish audiences' response to *Dallas*, O'Connor has again found differences in terms of class and gender subcultures (see Silj, 1988; O'Connor, 1990). Given the potential influence of subcultural values on the pleasures and meanings constructed by viewers around a television drama, it is not surprising that major differences have also been found in how audiences drawn from very different national cultures also vary widely in their interpretation - again much of the research here has focused on *Dallas* (Ang, 1985; Liebes and Katz, 1986).

It might be argued that, given the importance of indigenous cultures and subcultures in interpreting television texts, one need not be overly concerned regarding, for example, the extensive importation of programmes. I would argue that 'preferred readings' are embedded in all texts (although fiction tends to be more open in this regard than, for example, news), and, as we have noted from Philo's research on the TV presentation of the miners' strike, the rejection of this preferred reading cannot be assumed even for those who were sympathetic to the miners. Thus it cannot be assumed that sufficiently strong and salient indigenous cultures and subcultures exist to enable viewers to reject the preferred reading and to actively construct their own

meaning by drawing on their subcultural or national value systems.

Media imperialism operates most effectively in a culturally impoverished society, where the alternative definitions of reality are too weak to counter those from outside. The way society members maintain, reproduce and enrich their own culture and subcultures is through, inter alia, constantly addressing and responding to others in terms of shared cultural values and languages; through building, maintaining and interacting within institutional structures reflecting these cultural values; and through representing themselves to themselves and to others in the many diverse media, cultural and artistic forms available within that culture. Through these forms a culture is shared and celebrated, made self-aware and thus open to critique and to development, and available as a resource for critiquing and assessing other cultures. Within this way of looking at culture, television programmes should articulate, celebrate, develop and critique a range of cultural frames of reference from within a particular society. This means sufficient money to finance home produced programmes, and to ensure that they are of sufficient range and quality to compete with international productions.

Conclusion.

Research on television audiences evidences a convergence of different perspectives at the present time (see also Curran, 1990). Contributing to this has been an increased emphasis on culture, on a cultural studies approach to the audience and on ethnographic and qualitative modes of investigation. These are evident in the research on the audience as consumers which is examining the use of new communications technologies in the home, and how this articulates with cultural tastes based on class and gender; in the investigation of the influence of television on audiences as citizens of democratic nation states; and in the studies of the construction of meaning around television texts by a range of subcultural groups - in particular those differentiated by class, gender and age.

These theoretical and empirical interests also evidence a concern to further explore television's cultural power, especially in the context of the rapid development of new media technologies and the related internationalization and commercialization of television in terms of both ownership and programming. Thus the question of the ideological power of an internationalized television system within particular national contexts has been raised, as well as the possible demise of the public and national services previously offered to citizens by national television organizations. Within this scenario of expanding commercial television, of new and expensive media technologies, and of internationalized TV owned by multi-national and multi-media corporations (such as Murdoch's News Corporation), the past contribution of public television to the construction of national cultures will undoubtedly be fundamentally undermined, as will the range and quality of information offered to citizens - especially the 'information poor'.

If one accepts that existing national cultures, and the subcultures within them, have something valuable and unique to offer and are thus worthy of support even if only as the starting point for their further critique and development, the implication of the research reviewed above is that national television organizations need to be supported. This means they need to be sufficiently well financed to enable them to make a wide range of high quality home produced programmes that articulate with existing national and subcultural value systems and thus allow these to be shared, celebrated and indeed challenged by the audience. Such productions culturally empower their audience either by allowing the sharing and recognition of existing values and ways of seeing, or by offering new ways. Thus at least one televisual agenda would be set from within the nation state, offering the possibility of choice to viewers in an otherwise internationalized programme market. Furthermore, by thus empowering its audience, the latter are in a better position to recognize and negotiate the preferred reading or ideological power of imported media. Of course it is acknowledged that this may include recognizing that the imported definition of reality is superior to that offered by one's own culture. But this recognition should come from a position of cultural strength - knowing what one's own values are, rather than a position of cultural weakness where even this recognition and awareness has been undermined.

References

- Ang, I. (1985) *Watching Dallas*. London: Methuen.
- Blumier, J. (1983) *Communicating to Voters*. London: Sage.
- Bourdieu, P. (1984) *Distinction, A Social Critique of the Judgement of Taste*. London: Routledge Kegan Paul.
- Brown, R. (ed). (1976) *Children and Television*. Beverly Hills, CA: Sage.
- Comstock, G. et al. (1975) *Television and Human Behaviour*. New York: Columbia University Press.

- Curran, J. (1990) 'The New Revisionism in Mass Communication Research: A Reappraisal', *European Journal of Communication*, 5(2-3).
- Dimaggio, P. (1982) 'Cultural entrepreneurship in Nineteenth Century Boston', Parts 1 and 2 in *Media, Culture and Society*, 4(1,4).
- Fiske, J. (1987) *Television Culture*. London: Methuen.
- Garnham, N. (1990) *Capitalism and Communications*. London: Sage.
- Golding, P. (1990) 'Political Communication and Citizenship, the Media and Democracy in an Integrated Social Order', in M. Ferguson (ed.), *Public Communication, The New Imperatives*. London: Sage.
- Howitt, D. (1982) *Mass Media and Social Problems*. Oxford: Pergamon.
- Kelly, M. (1983) 'The Media View of the 1979 European Election Campaign', *Economic and Social Review*, 14(2).
- Kelly, M. (1984a) 'Twenty Years of Current Affairs on RTE', in M. McLoone and J. MacMahon, (eds.), *Television and Irish Society*. Dublin: Radio Telefis Eireann.
- Kelly, M. (1984b) 'The Poor Aren't News'. Dublin: Simon Community.
- Kelly, M. (1984c) 'Televised Elections as Ritual: The Case of the European Elections', in C. Curtin et al. (eds.), *Culture and Ideology in Ireland*. Galway: Galway University Press.
- Kelly, M. (1986) 'Power, Control and Media Coverage of the Northern Ireland Conflict', in P. Clancy et al. (eds.), *Ireland: A Sociological Profile*. Dublin: IPA.
- Kelly, M. (1988) 'National, European or American Programmes: Trends in European Television', *Administration*, 36(1).
- Kosicki, G. and J. McLeod (1990) 'Learning from Political News: Effects of Media Images and Information Processes and Strategies' in S. Kraus (ed.) *Mass Communication and Political Information*. Hillsdale, New York: Erlbaum.
- Liebes, T. and E. Katz, (1986) 'Patterns of Involvement in Television Fiction', *European Journal of Communications*, 1(2).
- Lindhof, T.R. (1987) *Natural Audiences: Qualitative Research of Media Use and Effects*. New Jersey: Ablex.
- Livingstone, S. (1990) 'Personal Constructions of Domestic Technologies: Gender Relations and Family Dynamics'. Paper presented at the International Communications Association Annual Conference, Dublin, June 1990.
- Lowery, S. and M. de Fleur, (1983) *Milestones in Mass Communication*. New York: Longman.
- McQuail, D. (1987) *Mass Communications Theory: An Introduction*. London: Sage.
- McLeod, J. and D. McDonald, (1985) 'Beyond Simple Exposure: Media Orientations and their Impact on Political Process', *Communication Research*, 12:3-33.
- Miller, D. (1987) *Material Culture and Mass Consumption*. Oxford: Basil Blackwell.
- Morley, D. (1980) *The 'Nationwide' Audience*. London: BFI.
- Morley, D. and R Silverstone, (1990) 'Domestic Communication - Technologies and Meanings', *Media, Culture and Society*, 12:31-55.
- Noble, G. (1975) *Children in Front of the Small Screen*. London: Constable.
- O'Connor, B. (1987) 'Women and Media'. PhD. thesis, University College Dublin.
- O'Connor, B. (1990) *Soap and Sensibility: Audience Response to Dallas and Glenroe*. Dublin: Radio Telefis Eireann.
- Philo, G. (1990) *Seeing is Believing: The Influence of Television*. London: Routledge.
- Rogge, J.U. and K. Jensen, (1988) 'Everyday Life and Television in W. Germany: An Empathic Interpretive Perspective on the Family as a System', in J.Lull, (ed.), *World Families Watch Television*. London: Sage.
- Scannell, P. (1988) 'Radio Times: The Temporal Arrangements of Broadcasting in the Modern World', in P. Drummond and R. Patterson, (eds.), *Television and Audience*. London: BFI.
- Schlesinger, P. 'On National Identity: Some Conceptions and Misconceptions Criticized', *Social Science Information*, 26(2).
- Silj, A. (1988) *East of Dallas, The European Challenge to American Television*. London: BFI.
- Silverstone, R. (1990) 'Television and Everyday Life: Towards an Anthropology of the Television Audience', in M. Ferguson, (ed.), *Public Communication, The New Imperatives*. London: Sage.

Glasnost' 1990

John Murray

John Murray is a staff journalist with the *Sunday Tribune* specializing in Soviet and Eastern European affairs. He has worked in the Department of Russian 1988 until June 1990 and is currently giving a course on the Soviet media there.

It is now five years since Mikhail Gorbachev introduced the policy of 'glasnost' to the Soviet media. During that period the changes in the content of the Soviet press have been enormous. Soviet journalists are now free to write on many of the subjects that were de facto taboo under Brezhnev and his predecessors. The gradual opening up and expansion of subject matter upon which the journalist may write has in turn resulted in a stylistic unfettering of the journalistic manner of exposition which is a change no less important than that of the formal lifting of barriers on previously taboo subjects. Whereas before glasnost' the source of much of what was written in the Soviet press was the language of the Communist party, since 1985, the language of the Soviet press has drawn from a far wider associative field. The combination of new content and language has transformed the face of Soviet journalism.

Since the introduction of glasnost' in 1985, it is clear that there have been several stages in the development of the process. In this article, an attempt will be made to divide very roughly the stages of glasnost' into three periods. The first begins in 1985, after the April plenary session of the Central Committee, when the policy of glasnost' was introduced formally. This period, which lasted until the beginning of 1988, was marked by the gradual realization among journalists that glasnost' was more than yet another empty rhetorical statement issued by an in-coming General Secretary, and was in fact supported by Gorbachev and other progressive elements within the leadership. A second phase in the evolution of glasnost' was discernible early in 1988 when the press began to feel its strength and lose its fear of the conservative elements in the leadership who regularly expressed in a threatening manner their discontent with the destructive nature of glasnost'. Finally, the third phase began in August 1990 with the passing of the Law on the Press, which gave the press a legal protection from Party interference and abolished the State censorship agency, Glavlit.

In this article the divisions between the three different stages of glasnost' are made primarily on the basis of opinions of Soviet journalists who have worked in the Soviet press during the period under examination (1985-1990). An attempt has also been made to distinguish various phases of glasnost' by reference to what in retrospect appear to be watershed events in the fate of the press over the period and subsequent retrospective deduction of the significance of these events on the evolution of glasnost'. However, because of the absence of a clear knowledge of how various bodies within the Communist Party have shaped, or attempted to shape, the face of the press under Gorbachev, one is forced to look at external manifestations of Party interference in the workings of the press in order to establish their role. At best, then, the picture of the evolution of glasnost' that will emerge from this article is a combination of the subjective views of Soviet journalists and the author's own subjective interpretation of the significance of events that seem to have had an important bearing on the fate of the press.

According to Alexander Pumpiansky (1990) editor of the foreign affairs weekly magazine *Novoye vremya* (New Times), the initial phase in the evolution of glasnost' (mid 1985-early 1988) was the most important one. In these first years, alongside the publication in journals and books of hitherto forbidden literature, there appeared a new type of newspaper and magazine. The publication of books such as Andrei Platonov's *Kotlovan* (Foundation Pit) and Vasily Grossman's *Sud'ba i zhizn* (Life and Fate), coincided with the appearance of the unrecognizably revamped periodicals, *Moscow News* and *Ogonek* (Little Fire), soon to become the cutting edge of glasnost'. Before glasnost', both *Moscow News* and *Ogonek* - one a weekly newspaper, the other a weekly magazine - had been paragons of what in Russian is referred to as 'paradnaya literaturnaya', or writing with the intent of promoting a falsely positive picture of life and events in the Soviet Union. *Moscow News* (owned by the Novosti Press Agency and the Union of Societies of Friendship and Cultural Links with Foreign Countries, and printed in five languages, including Russian) was aimed primarily at a foreign readership. Its intention and even function, as was that of the Novosti Press Agency, was to portray to the foreign reader a one-sided image of Soviet life.

One former employee of Novosti under Breshnev, Ivan Zakharov (1990), who in 1990 became deputy editor of a new newspaper, *Nezavisimaya Gazeta* (The Independent Newspaper), said quite openly that he used to work in 'foreign propaganda'. Having transferred from a foreign propaganda agency to a newspaper which claimed to be in the vanguard of 'progressive' journalism, Zakharov described his previous work as a journalist under Brezhnev:

For 13 years I worked for magazines and newspapers published

by the Novosti organisation which were for foreign consumption. I may not have told the whole truth all the time, but I consoled myself with the thought that I was writing for foreigners and they had a choice of information, other than the Soviet Weekly, (Zakharov, 1990).

The editor of *Ogonek*, Vitaly Korotich (1988), explained that before the advent of glasnost' his magazine had been 'simply uninteresting', and that 'nobody believed what was written in it'. According to Korotich, the surge in popularity of *Ogonek* in the first stage of glasnost' was due in large part to the publication of articles dealing with victims of Stalin's terror, such as Bukharin and Raskolnikov. Korotich explained that the magazine received 'enormous public support' for articles dealing with what might be called retrospective glasnost' because of 'the great yearning for justice among the people' (Korotich, 1988).

During this early period of glasnost', according to Pumpiansky (1990), there was still 'very limited freedom of the press' and publications such as *Moscow News* and *Ogonek* were seen by the public and the journalistic community as 'testing voices'. The publication of each new issue containing revelations from the past was accompanied by a fear among the journalistic community that the as yet undefined limits of glasnost' had been over-reached. In other words, in the absence of any legally laid-down code preventing Communist Party interference in the workings of the press, the majority of journalists stood on the sidelines waiting to see how far the more daring newspapers and magazines would go before their editors were removed. This author, for example, can recall rumours circulating in Moscow all through 1987 that 'they've removed Korotich' ('synali Koroticha'). Perhaps an even more important factor that checked the expansion of glasnost' at this time was the scepticism among Soviet journalists that the incipient liberalizing political climate was going to last.

Yet even at this early stage, the new limits of permissiveness, once broached with impunity by one publication, were established by other newspapers and magazines as territory gained. This early period of glasnost' might be described figuratively as a piecemeal journalistic occupation of previously forbidden territory. Once a certain previously taboo topic had been touched upon by one publication and its editor still remained in place, then other editors from other publications took courage and followed suit. Yegor Yakovlev, editor of *Moscow News*, gave an example of this:

Let us say that previously our press never wrote about prostitutes. Now, however, one paper has written about them and it's a case of let's all write about this, and with a special passion (Yakovlev, 1987).

During this early period of glasnost', opposition to the new policy came from within the Politburo and the Party's Central Committee Secretariat. Before the 1988 reorganization of the Secretariat, the most important figure in the Politburo after the General Secretary, had been traditionally the Secretary for Ideology. Under Gorbachev, however, the early evolution of glasnost' took place in spite of the Ideology Secretary, Yegor Ligachev. Before his removal from the Politburo at the XXVIII Party Congress (August 1990), Ligachev was still speaking of 'excesses of glasnost', warning that perestroika should be about 'creation - not negation' (see *Irish Times*, 22 July 1989 and *Economist*, 5-11 July 1989). This was and remained throughout the period under examination the main argument against glasnost' of the conservative wing of the Party. In the early stages of glasnost' it caused more concern and worry to editors and individual journalists than it did in 1990, by which time the gains established in the earlier two periods had been solidified. During the inaugural stage of glasnost', however, it became slowly evident that the policy of allowing the press greater freedom to write critically was sponsored by the General Secretary, Gorbachev. His frequent meetings with representatives of the press (Vstrecha, 1987), showed the journalistic community that he was interested in the press, though some thought too interested. Ligachev's known opposition to glasnost' was counter-balanced by the active support for the new policy of the former Secretary for Propaganda, Alexander Yakovlev, known by the Western media in Moscow as 'Mr. Perestroika'. Pumpiansky describes his interpretation of the state of play at the time:

There were different reactions to the early manifestations of glasnost'. The Party apparatus, for instance, was also (along with journalists themselves) surprised by the new press, and, to a certain extent, surprised at its own liberalism, 'Look how much we can tolerate!' And the reaction of the Party apparatus, of which the most prominent figure was Ligachev, was specific. From time to time they shouted and banged their fists, demanded people answer for publishing certain things, but it must be said that they didn't receive

the necessary support, because Gorbachev or Yakovlev, well, maybe Yakovlev was in a position to give a hint that he held a different position, but none the less, the actual support was varied. For example, Party conservatives got upset by different manifestations of journalistic glasnost, but nothing happened as a result. The heads of editors did not fly. So, it turned out that Yakovlev and Gorbachev had been supporting the press in a quiet way, not allowing the conservatives to translate their anger into practical action. However, on the verbal level, it still looked like the situation was being controlled by the conservatives, in any event, they could stamp their feet and bang their fists as much as they wanted. And it seemed that it was they who were controlling the situation, whereas in fact that was no longer the case. But this only became clear later, in time (Pumpiansky, 1990).

The perception around the end of 1987 that glasnost' was more than just a liberal blip permitted by an inexperienced new leader gradually became clearer so that in September of the following year the editor of *Ogonek*, Vitaly Korotich, could say that '...today, for the first time ever, the conservatives are on the defensive. They are in the minority and this is very significant.' (Korotich, 1988).

The second phase of glasnost', which began around 1988 and finished in 1990, became apparent when editors and readers saw that avant-garde publications such as *Ogonek* and *Moscow News* had not been shut down and were there to stay. Pumpiansky, again, explains :

If in the first phase each new issue appeared to be a surprise, in the second phase, this became the norm. Everybody came to understand that these journals and papers would be the same, and that each issue would not be the last one and that tomorrow's issue would be changed, or that the editor would be replaced, or the character of the paper would be changed. In the second phase, nothing of the sort (Pumpiansky, 1990).

One of the benchmarks that confirmed the end of the first phase came late in 1989 when, in what for the time seemed an uncharacteristically Brezhnevian reflex, Gorbachev exerted pressure on a prominent journalist to resign (Murray, 1989). Vladimir Starkov, editor of the weekly *Argumenty i fakty* (Arguments and Facts), had published the results of a survey measuring the popularity of the country's leading political figures in which Gorbachev did not figure in the first ten. After a tense period, during which some representatives of the press threatened to go on strike if Starkov was forced to resign, Gorbachev backed down. It was after this incident, according to Pumpiansky, that the radical press began to 'solidify and feel its strength'.

Yet this incident had also shown the vulnerability of the press to the mood swings of the leadership, especially when the demonology of the glasnost'-inspired journalist had begun to stray from the already safe figures of Stalin and Brezhnev to the still relatively untouched figures of Gorbachev himself, members of the Politburo, and Lenin. The Starkov affair was also a sharp reminder to journalists that no law existed guaranteeing the press freedom from such Party meddling. In theory, at least, Gorbachev could have decided at any moment that glasnost' had gone far enough and issued instructions outlining the areas of Soviet life which were not to be criticised. Older journalists remembered the speed with which Brezhnev had clamped down on the freedoms of the press that Krushchev had occasionally permitted. Juridically, then, journalists in 1989 had as little protection against Party interference as they had under Stalin.

In spite of its still juridically precarious position, it was during this second phase of glasnost' that the forced conformity of the Soviet press, begun under Lenin, began to shatter. This resulted in the phenomenon of different newspapers and magazines beginning to show distinctive political aspects. By 1988 it had become clear, for instance, that *Sovetskaya Rossiya* (Soviet Russia) was not only a conservative newspaper, but one actively promoting retrograde ideas such as the ending of glasnost'. At a plenary session of the formerly monolithic Union of Journalists, a speech from V. Chikin, deputy chairperson of that organisation and editor of *Sovetskaya Rossiya*, was criticized from the floor for paying lip-service to glasnost' and perestroika. Chikin spoke in favour of media criticism as long as it was 'ideologically progressive and spiritually rich in content' and contained 'constructiveness'. He also spoke against those newspapers that 'were sowing nihilistic moods' among the readers, and whose 'heads had turned' in their attempts to provide the readers with sensational stories (Chikin, 1988). While it is true that Chikin's newspaper became a platform for those opposed to glasnost' in the press, it is no less true that such a newspaper as his, expressing opinions different from those of the General Secretary, could not have

existed under any of the previous leaders of the country. One of the main achievements of glasnost' is the presence in the press of various strands of opinion giving voice to different political standpoints. In a sense, the co-existence of newspapers such as *Sovetskaya Rossiya* and the radical *Argumenty i fakty* was essential for the further development of the press in the Soviet Union.

Even during the second phase of glasnost', the authorities as well as editors of the radical official press still discriminated against unofficial publications. Unofficial publications, such as the monthly journal *Glasnost'*, edited by Sergei Grigoriants, were at this time fighting for the right to publish freely. In 1988, Grigoriants was arrested and the equipment for his journal destroyed. Yet even the most radically oriented official press failed to intercede on behalf of Grigoriants. As late as September 1988, for example, the editor of *Ogonek*, Korotich, repeated the official point of view regarding the unofficial publications.

I disagree with the entire principle of unofficial publications. ... These unofficial writers ought to try and get published in the existing organs of the press. Soon all these independent publications will no longer exist. And anyway, they can only produce about fifty copies since they use typewriters and carbon paper (Korotich, 1988).

The differences between the official and unofficial press were still great at this period. While the radical official press published material critical of the past and was beginning to question the current policies of the leadership, publications such as *Glasnost'* gave voice to material that questioned the very legitimacy of the Soviet Union. They represented the still publicly unacceptable voice of the dissident community and were regarded as subversive, pandering to Western public opinion and, consequently, guilty of treason. While, for instance, *Ogonek* and *Moscow News* might publish an article condemning the mass repressions in the 1930s as an instance of 'Stalinist lawlessness', the dissident press reminded its readers that most of Stalin's victims were convicted of crimes that still remained in Soviet law. While Korotich (1988), spoke of the dangers of going too far in retrospective glasnost', ('If we begin criticizing Lenin, then we'll end up destroying the whole temple, beginning with the foundations. I believe we have to leave the foundations intact.'), the dissident press gave utterance to its belief that the rot had set in as soon as Lenin and the Bolsheviks took power in 1917.

One objection to what the dissident press termed 'official glasnost', was the manner (described above by Yakovlev) in which 'official' journalists broached sensitive topics only after they had been written about by the more daring publications, and, hence, desensitized. By contrast, the dissident press had always been proud of its insensitivity to the political mood of the day.

The most important qualitative change that affected the development of glasnost' since 1985 took place in August 1990 with the passing of the long-awaited Law on the Press by the Soviet Parliament. What we have called the third stage of glasnost' began with the passing of this law. While the existence of a new law in itself did not guarantee the freedom of the press - laws can always be repealed or amended-it nevertheless provided a legal basis that protected the press from direct Party interference, the main impediment to freedom of expression in the Soviet Union. The law states, for example, that interference with the professional activities of journalists and even failure by officials to supply journalists with necessary information is an offence. It also stipulates that as long as a newspaper does not advocate armed revolution, religious prejudice or racial persecution and does not reveal any State secrets, anyone is entitled to set up a newspaper, magazine or news service by registering with the authorities.

However, in 1990, the Party still retained control over a large part of the publishing industry, and, in this way, indirect control over the non-Party press. The former editor of *Moskovskaya pravda*, Mikhail Poltoranin, pointed out that eighty per cent of the newspapers in the country were owned by the Communist Party (Dobbs, 1990). A *Moskovskie Novosti* journalist was unhappy that the State still determined the allocation of paper to newspapers and compared the new law to the emancipation of the serfs in 1861:

'The serfs were liberated, but they had been given freedom without land',. (Kabakov, 1990).

Because the powers of the Party and the State in 1990 were still intertwined, the Party still effectively retained control over the allocation of paper to the press and thus remained a potent force in checking the development of a free press in the Soviet Union. A new system of allocation was proposed for 1991, according to which the State would sell a certain amount of paper to registered newspapers at a relatively cheap price while any extra paper would have to be bought at 'commercial' prices, which, in

light of ever-present and mysterious paper shortages in the most heavily afforested country in the world, were set to rise in price threefold from January 1991. So, by the end of 1990, the paper shortage and the cost of paper at non-State, 'commercial' prices had become the most pressing concern for non-Party or State affiliated papers. In the words of Poltoranin, the passing of the August 1990 Press Law 'politically opens up great possibilities for the Soviet press, but economically, the possibilities are limited' (Dobbs, 1990).

Because of the Party's continuing grip on the State planning mechanism, Gosplan, official newspapers that become radicalized in the first two stages of glasnost and wanted to register under the new law in 1990 as independent organs shrank from the ultimate step of disassociating themselves fully from their official sponsors. One example was the Moscow daily, *Moskovsky komsomolets* (The Moscow Komsomol), which, with a 1.5 million daily print-run, was in 1990 the largest-selling daily in the capital. The journalists and editor of the newspaper decided collectively to remain an organ of their sponsors, the Moscow City Committee of the Komsomol because, on the one hand, it gave the paper, in the words of one of its staff 'a certain status and guarantee of stability if anything should happen', and, on the other hand, provided a guarantee of a favourable allotment of paper at State prices.

Pumpiansky of *Novoye vremya* summarized the position of the press at the end of 1990 thus :

Over the past year [1990], the press has become extremely radicalized. The circulation of *Komsomolskaya pravda* and *Argumenty i fakty* has leapt. The left press has felt its strength. Then in August the Law on the Press was passed and censorship was abolished, juridically, while at the same time it became clear that the Party apparatus had collapsed. Ligachev was no more and it was no longer clear what the Ideological Department of the Communist Party was doing. In any event, it was clear that they had no relation to the everyday life of newspapers and magazines, except, maybe, Party papers, which, incidentally, are doing the worst and losing the most readers. So, you may not have noticed, but we're almost a free press now, or we have one foot in the side of a free press. Nobody is afraid any more of the conservatives shouting, or the Party leadership. If there are any worries, they are completely different to those we had before. Now our worries are about existing in the market place, about the price and availability of paper, money, finance, competition and becoming commercially viable, because, naturally, we have to make money, and think of producing a quality product. Our worries are on a completely new level.

References

- Chikin, V. (1988) 'Otvetsstvennost' i kompetentnost' zhurnalista' (Responsibility and competency of the journalist), *Zhurnalistskie Novosti* (Journalist's News), 1(2).
- Dobbs, M. (1990) 'The Soviets (...) Out Official Censorship', *International Herald Tribune*, 2 August 1990.
- Kabakov, A. (1990) 'Journalisme affranchi mais impuissant', *Les Nouvelles de Moscou*, 32.
- Korotich, V. (1988) Interviewed by the author at Royal Marine Hotel, International Writers' Conference, 28 September 1988, Dublin.
- Murray, J. (1989) 'Truth, shock, horror. The unshackling of the Soviet Press', *The Times Higher Education Supplement*, 10 October 1990, 14.
- Pumpiansky, A. (1990) Interviewed by the author in the editorial offices of *Novoye vremya*, 20 October 1990, Moscow.
- Vstrecha. (1988) 'Demokratizatsia-sut' perestroiki. Vstrecha v tsentral'nom komitete KPSS' (Democratization - the essence of perestroika. Meeting in the Central Committee of the CPSU), *Rabochaya gazeta* (Workers' Paper), 14 January 1988: 1-3. This newspaper, as did all the national newspapers, published a transcript of a meeting between Gorbachev and representatives of the creative intelligentsia, including the media.
- Yakovlev, Y. (1987) Round-table discussion in *Ogonek*, 34.
- Zakharov, I. (1990) Interviewed by the author in the editorial offices of *Nezavisimaya Gazeta* (Independent Newspaper), 20 October 1990, Moscow.

Kevin Rockett, PhD, received a doctorate for his thesis, 'Cinema in Ireland', from the University of Ulster at Coleraine. He is co-author of *Cinema and Ireland* (London: Croom Helm, 1987; Routledge, 1988) and is completing a study of the reception of Anglo-American cinema in Ireland, which includes a history of institutional film censorship. He has been Chairperson of the Irish Film Institute since 1984.

Aspects of the Los Angelesation of Ireland

by Kevin Rockett

Saving the Nation 1

Within a short time of beginning his seventeen year reign as Ireland's first Film Censor in 1924 James Montgomery (1) declared that the greatest danger to Ireland came not from the Anglicization of Ireland but from the Los Angelesation of Ireland. This was a surprising admission given that Montgomery himself was closely allied with the conservative cultural and political leadership of the country which took power in 1922. During the previous four decades, especially since the foundation of the Gaelic Athletic Association in 1884 and the Gaelic League in 1893, enormous efforts had been expended in trying to establish a distinctive Irish culture behind the barriers of language, recreation and religion as a bulwark against the perceived threat of the anglicization of Ireland. The various nationalist cultural, sporting, religious and political movements which were finally focused in a united front in 1918 carried into the new state an agenda which sought to introduce through the state apparatus, especially through the school curriculum, the cultural policies of the pre-independence movements. That this approach was crude and stultifying, as well as a failure, is not in doubt. What is, perhaps, of greater interest is that rather than being a popular movement Irish cultural nationalism had served as an ideological cement in the decades prior to independence in the attempt to unite all social classes behind a non-contradictory Irishness. Thus, the middle class conservatives who took power in 1922 were only too well aware that at a popular level its cultural nationalist project was unlikely to be embraced by large sections of Irish society, especially those in urban areas. For these groups, foreign popular culture, especially the already established popular cinema, was more attractive than the limited and often repressive offerings of the regenerated 'native' Irish culture (2).

The agenda for this conflict had been set a decade and more before independence with the production of increasingly challenging dramas from both the European and American film industries. It was no coincidence that the first demands for controls on film content in Britain and Ireland originated with the production of longer dramatic films from about 1910 onwards and the reduction in importance of the earlier (and usually innocuous) travel and news films. Also, a shift occurs in audience composition in Ireland, in a reverse of the trend in Britain and the USA, from middle class patronage of films to a larger working class cinema constituency.

With American film hegemony in Europe well underway by 1912 formal film censorship began to be introduced. A voluntary system of film censorship in Dublin was formalized, ironically enough, in 1916 when Dublin Corporation appointed film censors. By then World War 1 was providing the conditions which allowed the American film industry to reach a position of dominance internationally. With the European film industry decapitalized or debilitated by war, Hollywood extended its grip on foreign markets. As Hollywood's capital base expanded, its ability to refine and develop cinematic production values allowed for increasingly sophisticated production techniques and subject matter.

Cinema brought into Ireland, a largely rural and traditionally Catholic country, images and ideas which had already been the subject of controversy in the popular print media (3). Whether it was pseudo-biblical films and their 'pagan' sexuality, or modern urban life with extra marital affairs, prostitution, crime or general decadence, cinematic drama stood in marked contrast to official religious and political attitudes as expressed through the Irish cultural nationalist movement. And while Irish film-making went through a vibrant and politically radical phase during 1916-20, Irish film-makers from this period, such as John MacDonagh and Fred O'Donovan, steered clear of cinematic subjects which reflected a modern urban sensibility.

The 1920s intensified and extended this division between Irish and foreign popular culture. The freedom and expressiveness associated with, for example, jazz or American clothing styles in the 1920s were more attractive to many Irish people compared with their Irish counterparts of traditional music and homespun yarns even if the economy did not provide the surplus to fully enjoy them. What the cinema displayed was the whole range of these officially frowned upon pleasurable activities

1. James Montgomery (1870-1943) was appointed Official Film Censor by his friend, the Minister for Home Affairs, Kevin O'Higgins, a few months after retiring from the Dublin Gas Company, where he had worked for 37 years. He had no previous involvement in film. He was also a close friend of other political leaders, especially Arthur Griffith, and Irish literary figures, including T. C. Murray, who wrote his obituary in the *Irish Press*, and Lynn Doyle, who wrote an appreciation of him in the *Irish Times* after his death.

Behind his well regarded talent as raconteur and wit lay a deeply conservative and religious man. He characterised, for example, the post-independence realist literature as 'the new lecherature'. By the time of his retirement as Film Censor in 1941 the office had acquired a position of social status and tributes were paid to Montgomery by President Hyde, politicians, literary and artistic figures, and even by members of the film trade.

2. See chapter, 'The Problem of "Evil Literature"', in Louis Cullen's *Eason & Son: A History*, (Dublin: Eason & Son, 1989), which is the most complete account to date of the progress of the anti-popular literature campaigns of the Catholic vigilance committees during the 1910s.

3. The argument is not that there is some simple dichotomy between urban and rural dwellers in their attitude to foreign popular culture. It is merely that those in urban areas had much easier access to such imports. Indeed, attempts to 'preserve' and regenerate native Irish culture did not originate within so called 'traditional' communities but came from middle class urbanites, especially in Dublin.

and consumable goods.

And, as the cinema in Ireland by the early 1920s came overwhelmingly from Hollywood, Montgomery's warning against it was a timely reminder that the success of the cultural nationalist project could be fatally undermined by allowing Hollywood 'values', that is, consumerism as the new ideology of consumption in America, to challenge traditional economic and cultural interests in Ireland. As Bishop Gilmartin put it in 1927:

The cheap foreign products of machinery have taken the place of the solid and lasting work of the Irish hand. Instead of milk and porridge, we have repeated doses of strong tea and white bread. Instead of socks and stockings made of Irish wool, we have foreign importations of imitation silk to minister to the vanity of our girls. Instead of visiting and story-telling, there are cinemas and night-walking, often with disaster to virtue. Instead of Irish dances we have sensuous contortions of the body timed to a semi-barbaric music. Instead of hard, honest work there is the tendency to do little for big wages (4).

Bishop Gilmartin's strictures implied, as many other members of the Hierarchy stated explicitly, that prohibition was the preferred way to deal with these imports. As cinema was often the most visible expression of these values it was repeatedly attacked. Rather than develop an Irish national cinema as a counter-measure to Hollywood by aiding indigenous film production through the provision of facilities, production finance, quotas or a redistribution of surpluses, both profit and taxation, from film exhibition, prohibition of the imported cinema remained the primary state policy for film for many decades. As a result, Montgomery, as the agent of the state protectionist apparatus, pursued his task with great vigour such that by the time of his retirement in 1941 he had banned more than 1,800 films, more than half of all the films banned during the almost seventy years of Irish film censorship. Much to the distress of some commentators, both lay and clerical, the Film Censor's brief did not extend to restrictions of a more generalized kind such as of images of American consumerist and pleasurable values, especially when placed in an urban setting. Instead, the specific prohibitions focused on any deviation from traditional Christian morality such as divorce, illegitimacy, extra-marital relationships and abortion. In this the Film Censor was supported by members of the Censorship of Films Appeal Board, two of whose nine members have always been prominent Catholic and Protestant clergymen.

Montgomery's successors continued this cultural protectionist policy. In the post-World War II years, when more socially and sexually challenging cinemas were emanating from Europe and the USA, the new themes, (delinquency, rape and homosexuality, to name just three areas of controversy), remained suppressed until well into the 1960s. But, it was one of the peculiarities of Irish film censorship policy that it determined that all films released should be seen by all age groups. Despite bannings and cuts young Irish cinema-goers were sometimes seeing what was forbidden to their age group in other countries. Horror films in particular seem to have aroused little concern amongst censors, and films with extreme violence were treated more leniently by Irish censors than their British counterparts. On the other hand, adults were denied access until the mid-1960s to many films, especially those with any overt sexual content, readily available in Britain or the USA with over 16 or over 18 certification.

With the absence of an Irish national cinema, which is defined here within the narrow confines of continuity of indigenous fiction film-making, except for 1910s and from the mid-1970s to the present, Irish cinema experience has come overwhelmingly from Hollywood. The subject matter of Irish cinema has been restricted only in part through the limited sums available to Irish film-makers. Even when funds were available from private or state sources concern with the past took precedence over the present, as in the 1930s fiction films, *The Dawn and Guests of the Nation*, or interest in the rural was favoured over the urban in, for example, the accomplished documentaries of Patrick Carey. Since Irish films never accounted for more than a small fraction of the films released in Ireland, when we speak of the film culture in Ireland or the formation of an Irish national cinema, we have to examine in the first instance how Hollywood was received here (5).

It has been suggested (6) that the values displayed by Hollywood cinema were in democratic contrast to the hierarchical social organization or traditional elites seen in, for example, British films. Hollywood's attraction for British audiences was marked by an awareness of a lack of social stratification in American films and, thus, it was

4. Bishop Gilmartin, 1 August 1927, quoted, *Irish Catholic Directory*, 1928:596.

5. As Thomas Elsaesser observes ('Chronicle of a Death Retold', *Monthly Film Bulletin*, 54: 641, June 1987:166): 'Hollywood can hardly be conceived, in the context of a 'national' cinema as totally other, since so much of any nation's film culture is implicitly 'Hollywood'. And Hollywood is itself far from monolithic'.

For a discussion of national cinemas in relation to cinema audiences see Andrew Highson ('The Concept of National Cinema', *Screen*, 30: 4, Autumn 1989) who argues (p.36) that 'the parameters of a national cinema should be drawn as much at the site of consumption as of production of films' and suggests a refocusing on the 'activity of national audiences'. The importance of such a project in Ireland is evident from the fact that even now 70 per cent of the films shown in Irish cinemas are American and 15 per cent British (1988). In earlier decades 90 per cent and more of the films released in Ireland were American. The rest were mostly British.

6. Geoffrey Nowell-Smith ('But do we need it?', in Martyn Auty and Nick Roddick, (eds), *British Cinema Now*. London: BFI Publishing, 1985:157-8) discusses the differing responses of British cinema audiences to American and British cinemas in a manner which is resonant of how Irish cinema-goers viewed both these cinemas and Irish films: 'The hidden history of cinema in British culture, and in popular culture in particular, has been the history of American films popular with the British public. The strength of American cinema was never just economic, and cannot be attributed to the lower cost of American product offered for export. Certainly economic strategies aimed at capturing the market played their part, but the basic reason for Hollywood's dominance was artistic and cultural. The American cinema set out in the first place to be popular in America, where it served an extremely diverse and largely immigrant public. What made it popular at home also helped make it popular abroad. The ideology of the American cinema had tended to be far more democratic than that of the cinema of other countries. This in part reflects the actual openness of American society, but it is above all a rhetorical strategy to convince the audience of the virtues and pleasures of being American. Translated into the export arena, this meant a projection of America as intensely - if distantly - appealing. When matched against American films of the same period, their British counterparts come across all too often as restrictive and stifling, subservient to middle-class artistic models and to middle- and upper-class values. Even American society comedies were made for the American masses; their British equivalents, whatever their makers' hopes, were not just about but for the upper class and were therefore esoteric to their main potential audience.'

thought, in American society. The alienation felt by British working class audiences at its own cinema's upper class characters often led them to prefer Hollywood films to their own. This sense of a democratic levelling in Hollywood cinema also would have been appreciated in Ireland where British accents alone, regardless of a film's content, would have alienated a large section of the population. Nostalgia for America, where so many Irish had emigrated, would, too, have drawn an affinity with the perhaps not widely separated fantasy of the films and the popular misconceptions of the grandeur and democratic nature of the country. Hollywood provided an image of America, no matter how far removed from social reality, which, nevertheless, served as a powerful contrast to the lives of want and misery of a great many Irish people in the decades after independence. The Bishops were only too well aware of the potential for social disharmony in the imported cinema but they sought to use it for other ends.

If we listen to the often crude formulations of the Irish Catholic Hierarchy, as articulated through their Lenten Pastorals, the cinema was to be blamed for anything from a lowering of morality to emigration. However, we need to look more closely at the Bishops' statements and seek a primary motive for their opposition to foreign cinema in Ireland. Before independence all Ireland's wrongs could be displaced on the external enemy, the imperial power. After independence when there was an economically distressed society, civil war and post-independence disillusionment, foreign popular culture and the cinema in particular came to fill the void as the new external target. As we have seen, the seeds for such a campaign had been sown long before independence. In the Free State the cinema could now serve a particular function. If it was characterized as adversely affecting a renewal of Irish nationality and culture, as the Bishops alleged, then it could be deemed a threat and serve to unite all social groups. In this way, as in the pre-independence period, internal homogeneity could perhaps be re-established and internal contradictions papered over. Of course, the Catholic Hierarchy, which drew its references from the most conservative anti-modernist and reactionary ideologies, was opposed to cinema per se.

Despite the Bishops protestations and the severity of Irish film censorship at particular conjunctures, especially from the 1920s to the 1950s, it is probably true that Hollywood cinema provided an attractive and perhaps liberating alternative to official ideologies for Irish audiences. Indeed, the experience of cinema-going, i.e. Hollywood cinema-going, was so central to many people's lives that what most people know about Irish cinema history is that the Irish were the greatest cinema-goers in the world. This image of Irish cinema-going is a myth, as it is not borne out by the statistical data on Irish cinema audiences available since the 1920s. Whether we compare per capita cinema-going in Ireland with Britain, Australia or the USA, to choose three English language countries, we find at the peak of the popularity of the cinema that Ireland was way down the league table for audience visits. Even if we examine Dublin, which accounted for up to 60 per cent of Irish cinema box office, it too compares unfavourably with many similar cities. The sad fact is that the famous Dublin cinema queue was often for the cheapest priced tickets, as the depressed economic conditions of the Dublin working class precluded them from admission to the more expensive seats. Yet, cinema-going was the feature of the lives of a great many people as is attested to by both oral and written testimonies.

What Irish cinema-goers saw and as importantly did not see defines the nature of film culture in Ireland from the 1920s to the 1960s. Despite the prohibitions there still remained an excess of meaning and of pleasure in these mutilated Hollywood films. Here was a life, albeit of 'fantasy', cyclically relayed in familiar genre films, which was as much a part of an Irish Cinema as those indigenous artisanal and semi-professional films which only very rarely reached Irish cinema screens after the advent of sound, and before new production parameters emerged in the 1970s. Here were aspects of modernity denied in the official culture: the fast-paced excitement of an urban car chase in a 1930s gangster film only needs to be contrasted with the idealization of the rural world, which was such a feature of official ideology during the early decades of independence, to realize that urban dwellers in particular were more likely to identify with the former before the latter. These issues can now be related to film production policy in Ireland.

Saving the Nation 2

Cultural protectionism predated economic protectionism, which was the central feature of Irish economic policy in the 1930s. It was in large measure the failure of Irish capital to develop an indigenous industrial base despite protectionism which led to the embracing of foreign capital by the administrative and political apparatus by the 1950s, at the time the internationalization of capital and the creation of the global market was gathering pace. The policy of attracting foreign capital to develop an Irish

film industry had evolved much earlier: from the late 1930s. However, in the 1930s and 1940s cultural protectionist concerns impeded this development. As early as 1930 even Irish film producers choosing to shoot in Ireland were obliged to submit to the Revenue Commissioners a 'complete copy' of the scenario, details of shooting schedules, including locations and contents of films, before negative cinema film could be imported. Any alteration in the 'proposed itinerary or scenic order' was to be 'promptly notified' to the Commissioners (7). These regulations were ostensibly for assessing the conditions to be complied with by an Irish film production company or individual making a film with Irish citizens domiciled in Ireland when negative cinema film was imported, (Ireland had no factory for producing negative film or, indeed, a processing laboratory), but the extent of the regulations indicate a strong interest in the content of films shot in Ireland even by Irish people. Foreigners were treated with even greater suspicion.

In 1937 the Abbey Theatre sought to build on the success of the Abbey Players in the two John Ford films, *The Informer* (1935) and *The Plough and the Stars* (1936). While on tour in America, New York's biggest theatrical group, Shuberts, proposed making films in Ireland with the Abbey Players. The Abbey sought assistance from the Irish Government but President Eamon de Valera cautioned against the proposal in an internal memorandum:

What will be necessary to keep carefully in mind in reaching a decision is the type of film which will be produced. We must guard against the danger of the enterprise being used for the production of plays which would be regarded as hurtful from the national point of view (8).

No Synge or O'Casey, please. T.C. Murray, perhaps; after all he was a member of the Censorship of Films Appeal Board.

A decade later Bernard Shaw and film producer Gabriel Pascal teamed up unsuccessfully to try to establish a film studio in Ireland. Pascal agreed not only to accept a nominee of Archbishop McQuaid of Dublin to be appointed to the proposed studio's board but offered the power of veto to the Irish state and other local representatives over the content of films to be made at the studio (9). It was an inauspicious beginning for a project seeking to attract foreign film producers to Ireland, but at least it recognised the local political and ideological realities.

This cultural protectionist approach to film-making in Ireland was in marked contrast to the non-ideological, internationalist, employment-generating and export-earning function of a film studio as promoted by the Minister for Industry and Commerce, Sean Lemass, since the mid-1930s. In this contradictory context of potential Irish film production Lemass's commitment to a mixture of private and state investment in a film studio proved impossible to achieve until the complete dominance of the policy of embracing foreign capital at a national level in the late 1950s. Thus, in 1958, when he opened Ardmore Studios, Lemass highlighted the export earnings and employment potential of the studios (10). By then cinema was in decline and the original policy of the new studios was to make films for television. When television provided insufficient work for the studio facilities financial incentives were introduced to encourage foreign film producers to make feature films in Ireland. Thus, the production context at Ardmore conformed to the model of an off-shore industry with little or no benefits for an indigenous film industry or Irish culture. With the exception of the six year period 1981-87 during which the Irish Film Board was in existence, this has remained the policy for film production of all Irish governments.

It was not until the 1970s that indigenous film-makers began to set part of the institutional agenda in the social and cultural spaces opened up by the new internationalism. As a result, they began to produce, on 16mm initially, what they perceived as cinema films, or films which sought to engage with a cinematic sensibility (11). With the establishment of the Film Board in 1981, almost exactly sixty years after the foundation of the Irish state, the first significant sums were allocated by a state agency to indigenous film-makers. And what did they do with that money? Many of them made socially and formally critical films which pandered neither to the traditional image of Ireland as a rural idyll or the established cinematic forms of mainstream commercial cinema. They, in effect, bit the hand that fed them. And for that they paid dearly with the abolition of the Film Board in 1987. Though this decision has been characterized by the Taoiseach and others as a response to the poor financial return on investments by the Board, there can be little doubt but that antipathy to the films supported by the Board played an important part in the decision. Indeed, the Taoiseach reported that the more 'commercially-minded' film producers supported the

7. *Statutory Rules and Orders*, 1930, no 49, issued 3 June 1930, by order of the Revenue Commissioners.

8. Eamon de Valera to Sean MacEntee, Minister for Finance, 25 November 1937. Correspondence in Department of Taoiseach file S13914A, State paper Office.

9. For a discussion of the Shaw/Pascal and other studio proposals see chapter 4 in Kevin Rockett, Luke Gibbons and John Hill, *Cinema and Ireland* (Croom Helm, 1987; Routledge, 1988).

10. As the *Irish Independent* (13 May 1958:2) put it in a headline: 'Minister Opens Films Studios; Aimed at Export Market'.

Let it be thought that Sean Lemass was anything other than a cultural conservative, despite his abandonment of economic protectionism, it is worth recalling what he told the *Fianna Fail* Ard Fheis in November 1959, less than five months after becoming Taoiseach in succession to de Valera. In opposing a motion favouring the grading of films, he said that

'We regard these (film and book censorship) regulations as being exactly in the same category as other regulations which prevent the sale of putrid meat and contaminated milk.' (Quoted, *Irish Times*, 12 November 1959.).

So much for the great moderniser!

11. See *Cinema and Ireland*, op. cit. chapter 5, for a discussion of the independent fiction films made in Ireland from the mid-1970s onwards.

move. We should note, however, the parallel with RTE in the debate on the Broadcasting Bill, 1990, and recall how the much-abused metaphor of the surface of a playing field was used both to support 'commercially-minded' broadcasters, while simultaneously seeking to gut RTE for its often independent assessment of national social and political policies.

In place of the Film Board has come some limited tax concessions to Irish corporations as an inducement to invest in films. More likely sources of film finance are British and American producers. While there is nothing new about this the films supported by foreign film producers have not in the past and are unlikely in the future to include the type of challenging films made in the 1980s. Irish corporations are unlikely to be any different. Indeed we find that projects are being abandoned or modified to conform to the new regime. How long has it been since some Irish film-makers made features films? Pat Murphy in 1984; Joe Comerford in 1988; Cathal Black in 1984 ... It is censorship by another name.

There has been an important philosophical change in Irish society in recent decades which is underpinning these and other cultural transformations. The inward-looking cultural nationalism of earlier decades is being replaced by a form of outward-looking liberal humanism. Occasionally as debilitating as previous versions of Irish nationality and culture, the earlier concerns are replaced by a universalism which, too, seeks to excise internal social, cultural and economic difference. Behind the apparently 'modern' facade of a commitment to equality, liberalism and a censorship-free society, not to mention European integration, lies another means of reinforcing the status quo. In this process the task of saving the nation has undergone a significant transformation.

Just as in the past economic and cultural protectionism was promoted as the means of saving the nation, so, too, in a complete reversal since the 1950s, has the embracing of foreign capital in Ireland been deemed the means whereby the nation is saved (12). What we see in this process is that the previous attempts to disguise our dependence on the metropolitan centres have been stripped away. And, while at earlier periods the Los Angelesation of Ireland was to be welcomed as a cultural liberation, such has not been the case in recent decades, as the repressive ideologies of Hollywood reinforce our own home grown ones. Behind Hollywood's 'democratic' values may lie sexist, racist, and other misrepresentations.

The national celebrations which greeted the success of *My Left Foot* at the Academy Awards was both understandable and instructive given Ireland's long dependence on Hollywood cinema. Yet, a national cinema built on the adulation of Hollywood, as was the case in early 1990, is one of which people in a peripheral society such as Ireland should be deeply suspicious. Indeed, the centre, in this case Hollywood, is re-generated from the periphery where the production of very particular types of 'universal' narratives are used to re-confirm the dominance of the centre. Thus, an Irish film which travels largely with the aid of British finance (13) to Hollywood and is embraced by it must necessarily leave its social and cultural specificity at home. Indeed, if criticism is to be accorded not so much to *My Left Foot* but to its reception both as a film and awards-winner, it is that little attention was paid (beyond commending the 'brilliance' of the acting, direction and script) as to why it won two Oscars. To accept its success as worthy is not in doubt. The more interesting and intriguing questions are: Why this film? Why Ireland? Why 1990?

To answer these questions further queries need to be raised about its win and its reception in Ireland: Does the film present views of Ireland which liberal humanists think represent the country as a modern European society? Or is it merely the celebration of an Irish-international film success at last? Or does it do something else from the perspective of the centre? Does it, for example, reinforce an image of Ireland (gritty, optimistic, for sure) but which is also backward, (retarded!), and which confirms Ireland's peripheral status even in the modern world. Those members of the Motion Picture Academy who voted for *My Left Foot* did so with the brilliance of Daniel Day Lewis' and Brenda Fricker's acting in mind, but, at another level, they were aware that there was a less flattering image of Ireland which *My Left Foot* reinforced.

The film does, however, illustrate the sea change in national ideology during the past three decades. Its universalist sensibility helps confirm the replacement of the earlier inward-looking cultural and political nationalism with an outward-looking liberal humanist ideology. This allows, as in so many aspects of Irish life in recent decades, for a displacement of what is particular to the Irish social formation on to a non-specific universalism. As a result, with British and American investment in Irish films replacing Irish money, we are likely to see more sanitized or neutral versions of Ireland produced for cinema and television. All, of course, in the name of

12. For a discussion of how Lemass justified the economic and ideological u-turns made by Fianna Fáil following the embracing by that party of 'internationalisation' see Susan Baker, 'Nationalist ideology and the industrial policy of Fianna Fáil: The evidence of the Irish Press 1955-72', *Irish Political Studies*, 1, 1986. In this paper Baker shows that

'Sean Lemass's argument in favour of the (1958 economic) programme, because it was fundamentally a nationalist argument, involved both him and his party in a major contradiction. This required the use of a nationalist ideology, including appeals to patriotism, anti-partitionism, and the language movement, to justify an anti-nationalist policy rooted in the notion of free trade' (p.66).

13. The origin of the funds for *My Left Foot* was the subject of considerable misinformation at the time of its Oscar success. The Taoiseach declared in the Dáil that 'it was not British financed. The British, as is usual, are claiming that it was British financed, but in fact it was not' (21 February 1990). The Taoiseach went on to state that the film's producer, Noel Pearson, was the source of his information: 'He expressed to me his considerable indignation that the British were not alone claiming that it was British financed but that it was, in fact, a British film' (ibid).

If a majority of the funds come from one particular country then a film can rightly be claimed to be from that country. Economic power can and does determine anything from a film's script to its distribution pattern. In the case of *My Left Foot* at least 60 per cent of the film's budget was British, while all of the cost of the second Noel Pearson/Jim Sheridan film, *The Field* (1990), was British. To ignore or obscure the national origin of a film's budget is to deny that crucial connection between the material basis of film production and the nature of the film projects supported. This is especially important in the relationship between metropolitan film producers and those on the periphery. The deliberate obfuscation surrounding the funding of *My Left Foot* only served to allow the Irish state to abdicate responsibility for film support as it hid behind the mask of 'the more professional and commercial approach' to film-making, as the Taoiseach characterised the post-Film Board regime (ibid).

'commercialism'. In this way, Ireland will be more fully integrated within the international English-language commercial cinema and television market. For whereas Hollywood was the *bête noir* of earlier decades we are now told at the highest level that we should emulate Hollywood, even, God forbid, rediscover our missionary role and change it.

I have argued that the popular cultural products of the metropolitan heartlands can have, in certain circumstances, a positive impact on a cathartic society, while at another juncture, such as the present, the opposite may be the case. We remain reminded that those on the periphery continue to be in a subordinate position to the core. And, a dependent society is always vulnerable to buffeting from the centre. At the same time I have been suggesting that the exploration of internal contradictions is always a fruitful area of investigation but that the displacement of a country's 'wrongs' on to an external enemy can prove inhibiting in a peripheral society. In this regard the recent practice of engaging with a 'universalist' sensibility often reconfirms earlier nationalist ideologies of displacement. The practice for alternative film-makers in peripheral societies must be to engage in what is necessarily a subversive culture of deconstruction which is aimed as much at their own societies as those of the filmic products of the metropolitan centres.

Note: A shorter version of this paper was presented to the International Communication Association Conference held in Trinity College, Dublin in June 1990.

Wolfgang Truetzschler is a lecturer in communications in the Dublin Institute of Technology and a member of the Euromedia Research Group. His most recent publications include papers on media policy in Ireland and on local radio in Europe. He is joint editor of a forthcoming book by the Euromedia Research Group on European media policy.

Broadcasting law and broadcasting policy in Ireland

Wolfgang Truetzschler

Introduction

The following article was written in order to present, in a systematic manner, an overview of the regulations applicable to the broadcast media in Ireland. It also constitutes an attempt to outline and evaluate present-day broadcasting policy in Ireland. It provides a brief summary of the various regulations applicable to broadcasting in Ireland. Subsequently, it considers in detail the regulations for public and private broadcasting services, as well as those that govern the operation of cable television and of the new MMDS television retransmission systems which are currently being implemented throughout Ireland.

Broadcasting regulations in Ireland: An overview

According to current Irish media law, there are five specific Acts regulating Irish broadcasting: The Wireless Telegraphy Acts 1926-1972, which specify, *inter alia*, that broadcasting is subject to licensing by the Minister for Communications; the Broadcasting Authority Acts 1960-1979, which regulate the public broadcaster RTE; the Radio and Television Act 1988, which contains the regulations applicable to private commercial broadcasting; the Broadcasting and Wireless Telegraphy Act, 1988, which was designed to tighten the gaps in the law concerning illegal broadcasting and to increase the penalties for such broadcasting (see Byrne & Binchy, 1989: 404 ff.); and the recently enacted Broadcasting Act 1990, which, *inter alia*, facilitates the implementation of the EC Directive on Television Broadcasting, and which has major implications for public service broadcasting in Ireland, as discussed below. Additional 'regulations' for the private broadcasters are contained in the broadcasting contracts signed between individual stations and the Independent Radio and Television Commission (IRTC), the government-appointed regulatory body for private broadcasters.

Cable Television is governed by the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations 1974, as amended (1); the new Multipoint Microwave Distribution System (MMDS), is subject to the Wireless Telegraphy (Television Programme Retransmission) Regulations 1989. These regulations are discussed below. Apart from these specific Acts and Regulations, other statutes such as Contempt of Court, Censorship, Defamation, Copyright, Official Secrets Act, Public Order, also apply to broadcasting (see Hall & McGovern, 1986).

Additional regulations of the Irish broadcast media may arise from Ireland's international obligations, such as membership of the European Communities, of the Council of Europe, of the United Nations, especially the International Telecommunications Union, the UN agency for telecommunications. An example of an international agreement which was incorporated into Irish law is the Broadcasting (Offences) Act, 1968, a statute which results from Ireland's ratification of the 'European Agreement for the Prevention of Broadcasting transmitted from Stations outside National Territories'. Other international agreements, declarations and resolutions need not be specifically enacted by the Oireachtas to become part of domestic law, as Article 29.6 of the Constitution requires, but they may nevertheless be of 'legal significance and have a legal function' (Hall & McGovern, 1986: 9; see also Casey 1987:168-186).

Public broadcasting service

Public broadcasting in Europe has traditionally been a service which has been 'largely and widely protected from market forces and expected to use its monopoly position to fulfill social functions, which include giving access to diverse voices and reaching majorities with information, education and culture' (McQuail, 1986: 164). Although Ireland's public broadcaster RTE has since its inception operated in a more competitive environment than most of its European monopoly broadcaster counterparts, due to the wide availability of foreign (British) television and radio channels, RTE, like most other public broadcasters, has always been subject to fairly close regulations and even closer 'scrutinization' by politicians (see Kelly & Truetzschler, 1986: 151ff.). These regulations are contained in the Broadcasting Authority Acts 1960-1979.

The Broadcasting Authority Acts endow the RTE Authority with the responsibility for establishing and maintaining national radio and television broadcasting services

1. Wireless Telegraphy (Wired Broadcast Relay Licence) (Amendment) Regulations 1988.

(2). The Broadcasting Authority (Amendment) Act 1979 enables RTE to also establish and maintain local broadcasting services such as its Cork service, Cork 89 FM, and its experimental mobile community radio, which operated in the period 1974-1988 (see Pine & Thomas, 1986). Over the last decade RTE has on several occasions submitted plans on local radio to successive governments (see RTE, 1979), but it has never received government approval for any of its plans. In fact, Section 4 (1) of the Radio and Television Act 1988, specifically excludes RTE from providing broadcasting services regulated by the 1988 Act and RTE can therefore provide such services only if it is granted a licence by the Minister for Communications.

RTE: Duties and regulations

The Acts specify the general duty of the RTE Authority: 'In performing its functions the Authority shall in its programming-

(a) be responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Irish language,

(b) uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, and

(c) have regard to the need for the formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of such countries which are members of the European Economic Community' (3).

Additional programming regulations specified in the Acts include the duty to present all news and current affairs programmes in an objective and impartial manner and in one that is fair to all interests concerned. Furthermore, programmes must not unreasonably encroach on the privacy of an individual. Also, RTE is prohibited from broadcasting anything 'that may reasonably be regarded as being likely to promote, or to incite to, crime or as tending to undermine the authority of the State'. (In the Acts no specific reference needs to be made to the broadcast of blasphemous, seditious or indecent matter as the broadcast of such matters is a punishable offence according to Article 40.6.1 of the Constitution.) Finally, RTE is required not to express its own views in news and current affairs programmes, except for broadcasts concerning broadcasting policy (4).

Section 20 of the Broadcasting Authority Act 1960 enables RTE to broadcast advertisements, and to fix charges and conditions for such broadcasts. This section also prohibits RTE from broadcasting any advertisement which is directed towards any religious or political end or has any relation to any industrial dispute. (However Section 18 (2) does permit the transmission of party political broadcasts.) Advertising on RTE is broadcast in accordance with the 'RTE Code of Standards for Broadcast Advertising', but in future this code will be replaced by a code of practice relating to advertising and other commercial promotion, which the Minister for Communications is obliged to draw up under Section 4 of the Broadcasting Act 1990.

The Acts reserve some central powers to the Minister for Communications. These include the power to appoint the nine members of the RTE Authority, which does not have to be representative of specific social groups, as is the case in some European countries. A member of the Authority cannot be dismissed by the Minister alone, but only by a majority vote in parliament. The appointment or removal of the Director-General by the Authority is subject to the Minister's approval. The Minister also has important powers regarding finance by consenting to borrowing, by deciding on the level of the licence fee, and by approving the amount of broadcasting time. Until the enactment of the Broadcasting Act 1990, the Minister also had the power to specify the amount of advertising allowed on RTE.

Section 31(1) enables censorship by the Government in relation to 'The Troubles' in Northern Ireland: It specifies that the Minister may direct RTE to refrain from broadcasting interviews, or reports of interviews, with spokespersons of prohibited organisations, such as the IRA (5). This ban has been annually renewed since 1978 and RTE has always complied with this gross interference in broadcasting by the State. Section 31(2) empowers the Minister for Communications to direct RTE 'to allocate broadcasting time for any announcements by or on behalf of any Minister of State in connection with the functions of that Minister'.

The Acts establish a Broadcasting Complaints Commission to which the public may make representation if they judge programmes, news or advertising to be contrary to statutory programme requirements or to the RTE advertising codes of standards. The particulars of a decision by the Commission on a complaint must be published in

2. RTE operates 2 national television channels (RTE 1 and Network 2) and 4 national radio services: Radio 1, the most popular radio station in the state with a traditional public service programming mix; FM 2, a 24 hour popular music channel; the Irish language Raidió na Gaeltachta; FM 3 with its classical music programmes. RTE has also embarked on a joint venture with Radio Luxembourg, namely the operation of a new radio station Atlantic 252 since 1989. RTE holds 75 per cent of the shares in this new station, which is estimated to have cost around £4m to set up and which RTE expects to provide profits in the region of £2.5m per annum. Atlantic 252 is a commercial wall to wall popular music station, financed by British advertising and transmitting its programmes from Ireland to Britain on long wave.

3. Section 17 of the Broadcasting Authority Act 1960 as amended by Section 13 of the Broadcasting Authority (Amendment) Act 1976.

4. Section 18 of the Broadcasting Authority Act 1960 as amended by Section 3 of the Broadcasting Authority (Amendment) Act 1976.

5. The current order made under Section 31 prohibits interviews or reports of interviews with spokesmen of any organization 'styling itself IRA, Sinn Féin, UDA, INLA, and any organization prescribed under the (British) Northern Ireland (Emergency Provision) Act 1976. The order also specifically bans broadcasts made by or on behalf of Sinn Féin and Republican Sinn Féin.

a manner that it considers suitable, and reports of such decisions are usually published in the *RTE Guide*. The Broadcasting Act 1990 additionally establishes a formal right of reply (see below).

Private broadcasting services

Until the end of 1988, Ireland's privately owned broadcasting services traditionally consisted of unlicensed or pirate radio stations. These stations operated with little interference by the state, and at the 'height' of their development in the late 1970s and early to mid 1980s, 70-100 mainly 'wall to wall' popular music stations operated throughout Ireland (see Mulryan, 1988).

With the enactment of the Radio and Television Act 1988 (henceforth referred to as the 1988 Act), the Irish broadcasting scene underwent major changes. These were not the result of any systematic government media policy, but were more due to reasons of 'grassroots' pressure by the large audiences of some of the pirate radio stations, and probably due to the not inconsiderable embarrassment that Ireland was subject to (for inadequate policing of the internationally allocated frequency spectrum) in international regulatory fora such as the International Telecommunications Union. The Act on the one hand privatizes the airwaves, in that it abolishes the RTE-monopoly in radio and television broadcasting, and on the other hand it regularizes the de facto totally deregulated, 1988 situation in the field of radio broadcasting that was characterized by the operation of the numerous 'pirate' radio stations throughout the State.

The 1988 Act enables the setting up of a private national commercial radio station, a private national commercial television station, and an unspecified number of sound broadcasting services. The national broadcaster RTE is excluded from the provision of local radio under this Act (Section 4(1)) and the only local radio station it traditionally operates and will continue to do so is Cork Local Radio, renamed Cork 89 FM.

As is customary in Irish media law, the central powers contained in the Act are reserved to the Minister for Communications, although the ministerial decisions on the awarding of licences have to be taken in consultation with, and on advice of, the new regulatory authority, the Independent Radio and Television Commission (IRTC), set up under the Act (Section 3).

The ten members of the IRTC were appointed by the Minister in October 1988 for a period not exceeding five years. The membership is largely constituted of business people, some of whom have experience in broadcasting or in some other mass medium, and most of whom were reported at the time as having sympathies towards the government party, then Fianna Fail. The Chairperson Mr. Justice Henchy is a respected retired judge to the Irish Supreme Court, a fact that has considerably strengthened the authority of the IRTC and its decisions, and that has lent weight to its interpretations of the, at times vaguely phrased, regulations contained in the Act. However, the Minister has the sole authority to issue licences and to vary the conditions of any such licence. To date the Minister has not acted contrary to the recommendations made by the IRTC; only the future will tell the extent to which this will prove to be a source of conflict between the licensing authority and the Government.

Criteria for the awarding of licences

Section 6 of the 1988 Act specifies certain criteria according to which licences are awarded. Thus, in making its recommendations for the awarding of licences, the IRTC 'shall have regard to', inter alia, the character and expertise of the applicant, the range of programming, including Irish-language programmes, provided by the applicant, the extent to which the application accords with 'good economic principles'. No distinction is made between local, regional or community radio in the Act, except that a special consideration of local community interests is included as one of the criteria. The Act also enables the granting of temporary sound broadcasting licences to institutions such as hospitals and colleges. The press is not excluded from applying for radio licences, except that in the consideration of licence applications the IRTC 'shall have regard to the desirability of allowing any person, or groups of persons, to have ... an undue amount of the communications media in the area specified in the licence' (Section 6 (h) of the Act).

An analysis of the IRTC's recommendations on the awarding of franchises for the private national and the 23 private local radios, sheds some light on the relevance of the criteria specified in the Act. Judging by the official IRTC guide for licence applicants (IRTC 1988) and by the oral hearings of such applicants, which preceded the making of recommendations by the IRTC (and which contrary to the Irish political tradition of decision making behind closed doors, were actually held in public), the

'good economic principles' criterion seems to be the most significant one. Thus, more than half the guide and most of the questions put to applicants by the IRTC at the oral hearings were concerned with the requirements of franchise applicants to provide a detailed market analysis, an outline of the marketing and revenue generating strategies planned and with the making of financial projections for the first two years of operation of the planned broadcasting service.

A far smaller section of the aforementioned guide is concerned with production/operation facilities and with the actual programming. However, judging by the fact that the IRTC made four recommendations on awarding licences to radio groups who planned to organize their radio stations in accordance with the Community Radio Charter of the National Association of Community Broadcasting (see NACB, 1988), the criterion according to which the proposed broadcasting service should serve 'recognisably local communities' does seem to have been observed to a certain extent. The vaguely phrased criterion concerning press ownership of local radio mentioned above has to date been interpreted by the IRTC as not precluding a 25 per cent ownership of a local radio station by a local newspaper, as is the case in six of the groups to whom licences were awarded.

In making its recommendations for the awarding of sound broadcasting licences, the IRTC has generally followed the 1988 Government plan for the licensing of a national and 24 local radio stations. At the time of the parliamentary debate of the 1988 Act, the Government also announced that up to 100 neighbourhood (community) radio stations and a number of 'community-of-interest' stations would be licensed. To date this has not happened, probably in order to ensure the economic survival of the existing private radio stations before licensing any additional competitors for radio audiences.

Private radio: Duties and regulations

The main regulations in the 1988 Act concerning programming state that 20 per cent of transmission time must consist of news and current affairs (which is not defined in the Act and which therefore includes programmes such as phone-ins, vox populi, etc.). However, the legislation also contains a 'cop out' clause (Section 15) according to which the IRTC can grant a derogation from the 20 per cent requirement in full or in part, 'provided there is a reasonable plurality' of other sources of news and current affairs available to the listener. Although the rationale behind the derogation concept is that the news and current affairs quota 'could impede the development of specialized radio services' (Hall & McGovern, 1988: 21), this clause was used in 1989 by Capital Radio in Dublin (for which the 20 per cent requirement was 'temporarily' suspended). It may be availed of even more so in the future, especially if local radio does not turn out to be a 'licence to print money' in the sense of failing to attract enough listeners and therefore advertising for such programmes. The in terms of financial viability all important Section 10 states that not more than 15 per cent (or not more than 10 minutes per hour) can be taken up by advertising. This is a high advertising content compared to the 9 per cent on commercial radio in Britain and 7.5 per cent (10 per cent until October 1990) on RTE radio and television.

Other regulations on programming contained in the 1988 Act are similar to those contained in the Acts governing RTE. Section 9 of the 1988 Act requires objectivity and impartiality in news/current affairs programmes but does permit party political broadcasts, that current affairs broadcasts are fair to all interests concerned and are without expression of personal views by the sound broadcaster, and that in any programmes broadcast, the privacy of any individual is not unreasonably encroached upon. Section 9 also states that nothing offending against good taste and decency, or as being likely to promote, or to incite to, crime or as tending to undermine the authority of the State may be broadcast. The 'censorship' Section 31 of the Broadcasting Authority Acts governing RTE also applies to the private broadcasting services (Section 12 of the 1988 Act). The same applies to the Broadcasting Complaints Commission set up under the Acts governing RTE (Section 11 of the 1988 Act) and the formal right of reply (established under the Broadcasting Act 1990). The regulations concerning the content of broadcast advertising (Section 10) are similar to those imposed on the RTE Authority (see Hall & McGovern, 1988: 16).

Even though this is not specified in the law, the individual contracts between the IRTC and the private radio broadcasters state that independent radio licences are awarded for a period of seven years, with the option of a renewal for a further seven years. Certain additional 'regulations' are contained in the contracts signed between the IRTC and individual local and the national radio licence holders, as is provided for in Section 4(2). (These contracts may be inspected by any member of the public - a right that follows from Section 14(5).) One of the more important of these additional requirements concerns the ownership of the individual radio station. Thus not more than 25 per cent of the shares in a local radio station may be held by another local radio station, a local

or national newspaper, a television station or a communications company, a political party, a religious denomination or a person not normally resident in a Member State of the European Communities, without the approval of the IRTC. Finally, the contracts enable the IRTC to prescribe certain rules concerning the quality, range and type of programmes broadcast. As far as is known, the IRTC has not made such rules to date. As well as that changes in the local character of individual stations by means of the cost-saving 'device' of networking of individual radio stations (i.e. the same programme is broadcast on several local radio stations) require the consent of the IRTC. No other regulations concerning the quality, range and type of programming are contained in the Act. As was discussed above, such considerations are only mentioned as criteria according to which licences are to be awarded, but not as regulations to which the private broadcasters have to adhere.

The programming on the existing radio stations is essentially music led, i.e. with the exception of the community radios and some of the rural stations, these stations broadcast 'wall to wall' popular music (or country and western or 'middle of the road' music), interspersed by the occasional news bulletin and short, cheaply produced, current affairs' programmes in order to fulfill the legal requirement of 20 per cent of programming time devoted to news and current affairs. 15 per cent of programming time is taken up by advertising. To date, there seem to be very few Irish language programmes on private local radio.

Enforcement of regulations

Notwithstanding the fact that the 1988 Act leaves the IRTC some scope in drawing up programming regulations, the practice of private commercial broadcasting in Ireland points to one of the fundamental differences between public broadcasting and private broadcasting, namely that the latter are not as strictly regulated as the former. In practice, the main difference between private broadcasters and RTE is not so much in the regulations, but more in the monitoring of individual stations by the government and by the IRTC. As mentioned above, the public broadcaster has always been subject to fairly close regulation. In contrast, the IRTC has on occasions taken a very liberal interpretation of the compliance with the existing regulations by private broadcasters.

The monitoring of private broadcasters by the IRTC is required under Section 4(7) of the 1988 Act. Ensuring a strict compliance with the regulations by individual broadcasters may at times be in conflict with the IRTC's main function of arranging for the provision of broadcast services other than those provided by RTE, because such services will only continue if they are economically viable. But a strict adherence to the regulations, such as the 20 per cent news and current affairs requirement, is very costly and may therefore endanger the profitability of individual radio stations. To date it seems that the IRTC has been fairly flexible in its monitoring duties, as can be seen, for example, by the fact that it has enforced the 20 per cent rule (which was widely flouted by individual radio stations in the first half of 1990) on the one hand, but has allowed the night-time transmission of an essentially British news/current affairs programme on Capital Radio, Dublin.

Only time will tell to what extent or not the regulations outlined above will be adhered to by individual private broadcasters. If private radio (and television) turns out to be unprofitable or not as profitable as anticipated, a gradual relaxation or non-enforcement of the regulations may ensue. This has happened in some European countries such as in Greece, Spain, Belgium and France, where networking of individual local radio stations is common - for example, in France eight networks control almost all private local radio stations. Alternatively, a loss making private broadcasting sector may lead to further Government attempts to divert resources from the public broadcaster to the private sector, as was the intention behind the enactment of the Broadcasting Act 1990 outlined below.

Other provisions of the 1988 Act concerning private sound broadcasting services include giving the IRTC power to investigate into the affairs of licensed radio broadcasters (Section 13); terms and conditions of sound broadcasting contracts (Section 14); enabling the Minister for Communications to require RTE to cooperate with sound broadcasting operators in the provision of transmission facilities, subject to payment of RTE (as has happened with several of the local radio stations) (Section 16); and more routine requirements involving the establishment of an independent State Body (Schedule to the 1988 Act). These provisions are fully discussed by Hall & McGovern, 1988.

Private television: Duties and regulations

The Radio and Television Act 1988 also provides for the licensing of a private television programme service. The franchise for the national television service 'TV3' was awarded in April 1989 to the Windmill Lane Consortium, which includes the independent film/video production company Windmill Lane and the Jefferson Smurfit

Group, Ireland's largest industrial concern in terms of annual turnover. According to newspaper reports in January 1991, the initial funding needed to set up TV3 is £30 million, an amount that would suggest an involvement by foreign investors. Several such possible investors have been named in the press over the last 18 months (6), the most recent and most notable amongst them being CLT, the mother company of Radio Luxembourg (RTL). TV3 is currently negotiating with the Department of Communications for suitable frequency distributions, and both the funding arrangements as well as the signing of the broadcast contract between the IRTC and the consortium are conditional upon the successful conclusion of these negotiations. Overall, TV3 is unlikely to be operative before the second half of 1991 at the earliest.

According to the 1988 Act, most of the regulations for private sound broadcasters, which are contained in Part III of the Act and which are outlined in the previous section of this paper, also apply to the new television programme service. Specifically this applies to the procedure and criteria according to which the licence for the television service is awarded; to the objectivity and impartiality clause contained in Section 9 of the Act; to the regulations concerning advertisements; to Section 12 on complaints by the public; as well as to those on censorship in Section 31 of the Broadcasting Authority Acts. Section 7, which gives the Minister for Communications the power to vary any term or condition in the licence awarded to sound broadcasting operators, now also applies to the new television service, according to Section 6(3) of the Broadcasting Act 1990. Finally, Section 14 on the terms and conditions of the broadcasting contract between the IRTC and the television service licensee, as well as Section 15, which enables the Minister for Communications to direct RTE to cooperate with licence holders in the provision of transmission facilities, also apply to the private television programme service.

The latter two sections are particularly noteworthy in that the final contract between the IRTC and TV3 may contain additional 'regulations', as is the case with licensed radio broadcasters. The clause concerning co-operation with RTE in the use of broadcasting installations may mean that RTE at some future date will be obliged by the Government to co-operate with what will probably be its biggest competitor for audiences and advertising.

The main regulations for the private television service are contained in Section 18 of the 1988 Act. According to this Section, the 20 per cent news and current affairs requirement does not apply to the new television channel. This clause is replaced by the loose phrasing that a 'reasonable proportion' of such programmes must be included in the programming schedule. The main part of Section 18 concerns obligations imposed on the IRTC to ensure that the television broadcasting service complies with certain duties as outlined. These duties are identical to the ones imposed on the RTE Authority by Section 13 of the Broadcasting Authority Amendment Act 1976 (see above). Other regulations applying to TV3 include the requirement that a 'reasonable proportion' of programmes '(a) is produced in the State or in another Member State of the EC, and (b) is devoted to original programme material produced by persons other than TV3 itself or 'existing broadcasting organisations' (Section 18 (4) of the Act). The latter part of this regulation is obviously one designed to encourage independent TV production companies.

Finally, Section 17 of the 1988 Act specifies that the private television service will be distributed on cable television and on the new MMDS television retransmission systems only. The Broadcasting Act 1990 has changed this in that the new service may also be transmitted 'over the air' by conventional television transmitters.

Regulations for Cable Television

Cable television in Ireland is subject to the Wireless Telegraphy Acts 1926-1972 and the regulations made in accordance with these Acts: Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations 1974, the Wireless Telegraphy (Wired Relay Licence) (Amendment) Regulations 1988, and the Wireless Telegraphy Act, 1926 (Section 3) (Exemption of Certain Wired Broadcast Relay Stations) Order 1976. (The 1976 Order provides for the abolition of the requirement to licence wired broadcast relay stations to which the number of service points connected does not exceed 100 (Hall & McGovern, 1988: 20f)).

According to the 1974 regulations, licences for the relay of television and radio programmes are issued by the Minister for Communications and, unless revoked or suspended, are valid indefinitely. Licensees are obliged to comply with a number of financial, administrative and technical conditions. The main financial provision in the Regulations concern the payment of a licence fee equivalent to 5 per cent (15 per cent until 1988) of gross revenue of the licensed cable operator. The licence fee is paid to the Minister for Communications, who in turn may pay the monies collected to the RTE Authority in accordance with Section 8(b) of the Broadcasting Authority (Amendment) Act 1976. Until 1988 the total in licence fees collected was paid to RTE;

6. See the article on 'Foreign Investment in the Media in Ireland' in this issue.

in the period 1988-1990 £500,000 out of the total revenue collected was used to finance the IRTC (in accordance with Section 20 of the Radio and Television Act 1988); from 1990 onwards the licence fees are no longer given to RTE, but form part of the general revenue fund of the State.

The technical conditions to be complied with by licensees are part of the conditions of the licence, and are concerned with the standard of the service provided on a cable system. Technical inspections may be arranged by the Department of Communications, and if the system is not operating in accordance with these conditions, the licence may be revoked. (This has only happened on two occasions since the introduction of the cable television regulations.) Television and radio programmes that may be relayed, in addition to those of RTE which must be relayed at the time at which they are being broadcast, are specified in the licences.

Furthermore, the 1974 regulations require cable systems licensees, if requested by the Minister for Communications, to delete advertising matter from a programme or to insert advertising or other matter in programmes relayed to subscribers. The Minister can also require licence holders to relay local programmes. These provisions can be used in order to enable a cable operator to broadcast local programming and local advertising in channels used for the relay of foreign (British) television programmes - as is the case in Cork.

The 1988 regulations mentioned above introduce the distinction between 'basic service' and 'discretionary service' provided by the licensees: basic service means television programmes and sound programmes relayed by the licensee which a person is obliged to pay for in order to become a subscriber to a relay service; discretionary service means programmes relayed by the licensee which a subscriber to cable television may accept or refuse, without affecting the relay of basic services to that subscriber. This regulation enables the relaying of 'pay TV' channels by cable operators - to date the only cable operator providing such a discretionary service in the form of a (pay) movie channel is Cork Communications.

In early 1991, there are 43 licensed cable systems operators throughout the State, the biggest of which is the Dublin firm Cablelink with over 80 per cent of cable television subscribers. The total revenue in licence fees collected from cable systems licensees in 1990 amounted to £861,000.

Regulations for MMDS

The licensing and operation of the new television distribution system MMDS (multipoint microwave distribution system) is governed by the Wireless Telegraphy (Television Programme Retransmission) Regulations 1989. These regulations provide for the issue of licences for apparatus used solely for the purpose of retransmitting television programme services. The MMDS system was introduced primarily in order to provide multiple choice in television in areas not covered by cable systems. As this is the first time MMDS has been introduced in Europe, it is hoped, secondarily, that Ireland may serve as a 'model' for other European countries, which may also wish to introduce MMDS at some future date.

Licences for MMDS were awarded by the Minister for Communications in October 1989 in accordance with a 'MMDS Frequency Plan' drawn up by the Department of Communications, and with the suitability criteria specified in the 1989 regulations. The plan divides the state into 29 'cells' for purposes of MMDS, and the licences awarded relate to the retransmission of television services within these cells. There are seven companies or 'MMDS franchisees', each of which has been awarded exclusive licences for MMDS in a number of these cells. The seven franchisees consist of five companies active in cable television, the other two are newspaper publishers which form part of Independent Newspapers plc (7).

According to the 1989 Regulations, licences are issued for a period of one year. They can be renewed 9 times, whereupon the licences can be renewed a further 10 times, provided the Minister for Communications considers it proper to do so. Subsequently the Minister may continue to renew licences as he considers it proper to do so. Upon the grant of a licence, the licensee has to pay £20,000; each annual licence renewal fee is equivalent to 5 per cent of the gross revenue of the MMDS operator.

The licences issued state the required technical conditions and the television programme services, both those which must be, as well as those that may be, retransmitted. The only 'must carry' television programme service is TV3, the planned commercial television channel. This follows, not from the 1989 Regulations, but from Section 17 of the Radio and Television Act 1988 which states that the 'television programme service...shall be distributed on wired broadcast relay systems and television programme retransmission systems...'. Neither of the two RTE television

7. The cable TV companies are Cablelink (with MMDS licences for Dublin, Galway, Mayo and Waterford), Cork Communications (Cork, West Waterford), Westward Cable (Kerry, Clare, Limerick, Roscommon, Longford, Westmeath and Kildare), Sutr Nore Relays (Tipperary, Kilkenny, Laois (partly)), and Cable Management (Ire.) Ltd. (Donegal, Sligo). The two newspaper publishers are People Newspaper Ltd. (Wicklow, Wexford) and Drogheda Independent (Cavan, Louth, Monaghan, Meath).

services is guaranteed access to MMDS. However, the regulations specify that the MMDS licensee must provide the MMDS subscriber with facilities 'for the direct connection of the television broadcast receiver used in connection with MMDS to apparatus...designed to receive the television programmes of RTE' (8).

Also stated in the licences issued by the Minister, is a minimum number of subscribers to MMDS within the area to which the licence relates. If the number of subscribers is below this minimum, then - according to the Regulations - the licence may be suspended or revoked. To date this has not yet happened, as MMDS is only currently being introduced throughout the State. The regulations also give the Minister the power to alter the charges being levied on MMDS subscribers.

Concerning the operation of MMDS within an area for which a cable systems licence has already been issued, the regulations state that the MMDS operator may only provide services to subscribers with the prior approval of the Minister, and with the agreement of the cable systems licensee.

Overall, and as in other areas of broadcasting, the Minister for Communications retains central powers concerning the operation of MMDS. This is aptly illustrated by Regulation 13(4) which states that the 'Minister may at any time, by notice published in *Iris Oifigiúil*, suspend, in whole or in part, for such period as may be specified in the notice, all licences for the time being in force or all such licences relating to stations in a specified district or area'.

MMDS is quite an expensive system, as the outlay for the necessary receiving equipment amounts to £125 once-off for each household availing of the facility, and then £120 in annual service charges. These charges tend to be higher than those levied on cable television subscribers, probably because of the expense involved in installing this new system of television distribution. The fairly high charges are probably one of the main reasons for the opposition to the introduction of MMDS by sections of the rural population, who would prefer to continue availing of the much cheaper illegal deflector systems traditionally used to transmit British television programmes in those parts of the State without access to cable television.

Eleven channels are available to MMDS subscribers, although the number of channels could be increased by using frequencies with a larger bandwidth than the ones allocated to MMDS. The channels currently rebroadcast by MMDS licensees tend to be those that are also relayed on existing cable systems, namely the 2 RTE, 4 British terrestrial television channels as well as a number of satellite television services. MMDS is capable of carrying radio, teletext and similar data services; it is also compatible with high definition television.

Broadcasting Act 1990

Two years after the legalization of private broadcasting services in Ireland, the Dail passed a new broadcasting law in June 1990. This Act introduces a second major change in broadcasting in Ireland, subsequent to the abolition of the monopoly in broadcasting held by the public broadcaster RTE until 1988 - namely what can only be described as a substantial weakening, or possibly even a gradual dismantling of public service broadcasting in Ireland. The legislation was mainly designed to divert advertising finance away from RTE towards the new private broadcasting services, which have been in operation since the end of 1989.

Restrictions on advertising

The new law reduces the maximum period given to advertising in any one hour of broadcasting on RTE from 10 per cent to not more than 7.5 per cent of total daily programming time (20 per cent on Atlantic 252, RTE's long-wave radio service aimed at a British audience), with a maximum of 5 (instead of 7.5) minutes in any one hour of broadcasting. Even more significantly, it also sets an annual maximum amount of revenue that RTE may earn from advertising. If RTE exceeds this maximum, then the limit in the subsequent year is reduced by the amount of the excess, adjusted by the percentage increase in the consumer price index.

Section 3 of the Act states that the limit for advertising revenue may not exceed the total licence fee revenue (which in 1989 amounted to £45 million). In effect this means that RTE, to date a commercially very successful public service broadcaster, is faced with an annual decrease in income of around £12 million. RTE has therefore been forced to restrict its expenditure on staff and on programming. It also leaves open the possibility that RTE's income could in fact be further curtailed, for example, by a government decision to reduce the licence fee, or to withhold from RTE, the total amount of licence fees collected in the State, in accordance with Section 8 of the Broadcasting Authority (Amendment) Act 1976, which states that the Minister *may* pay the RTE Authority an amount equal to the receipts in respect of broadcasting licence fees. This might happen if the new private television service TV3 turns out to be loss making.

8. Schedule Part I of the 1989 Regulations.

Looking to the future pessimistically, this could ultimately mean that public service broadcasting in Ireland would be reduced to the provision of technical facilities for private broadcasters, as is already specified in Section 16 of the Radio and Television Act 1988 (see above), and to the transmission of a few loss-making public service broadcasts. It certainly means that RTE will in future be unable to diversify, expand and spend additional resources on programming. Without doubt, the restriction of RTE's income will lead to a reduction in the quality of RTE programmes. Considering the increasing number and availability of highly commercial foreign satellite television channels, such a development does not augur well for Ireland's cultural industries, especially film-making, or for Irish culture in general. The Government takes a different view, of course, namely that increased competition will lead to an increase in high quality programmes.

The new legislation can be seen as a direct result of the wishes of the operators of the new private commercial radio stations, some of which are turning out to be loss making or not as profitable as anticipated. This is the case with the new national radio station Century 100, which Capital Radio London has recently provided with loan capital of IR£ 1.5 million as part of a management contract (9). The 1990 Act is also in line with the interests of the proprietors of the national newspapers in Ireland. These have traditionally opposed what they see as RTE's powerful position in the advertising market, in the hope of being able to attract those advertisers unable to advertise on RTE.

Apart from the restrictions placed on RTE, the Act also makes provision for the planned TV3 to broadcast its programmes on a conventional transmission system (Section 6 of the Act), as outlined above. Obviously this section, together with the planned restrictions on RTE, are designed in the hope of ensuring the profitability of TV3.

The EC Directive

Some of the remaining sections of the Act are included in order to facilitate the implementation of the EC Directive on Television Broadcasting of 3 October 1989 (EC 1989). Article 25 of the Directive states that 'Member States shall bring into force the laws, ... and provisions necessary to comply with this Directive not later than 3 October 1991', and the Broadcasting Act 1990 is obviously designed to do this. Thus, for example, Section 4 of the Act, requires the Minister to draw up a 'code of practice relating to advertising and other commercial promotions', and this Code can be drawn up in order to comply with Chapter IV (Television Advertising and Sponsorship) of the Directive.

Section 5 of the 1990 Act requires the RTE Authority 'to ensure that a reasonable proportion of the programme material on its television services is devoted to programme material produced by ... persons independent of broadcasting organizations'. For the year ending 3 October 1991, this proportion shall not be less than that broadcast by RTE in 1989. This section can be seen as a concession to independent film-makers who lobbied for the introduction of a 10 per cent quota for independent film and video makers - the same quota as is contained in Article 5 of the Directive. That this section will cease to operate from 3 October 1991 would seem to suggest it was included in order to facilitate the implementation of the EC Directive (see Barnville, 1991).

Section 8 establishes a 'right of reply' which did not previously exist in Irish media law. This section is necessitated by Chapter VI (Right of Reply) of the EC Directive and by the similar Council of Europe Convention on Transfrontier Television (Council of Europe, 1989). In accordance with Article 23 of the EC Directive, Section 8 enables the Broadcasting Complaints Commission to investigate a complaint concerning an attack on a person's honour or reputation. Section 8(b) provides for decisions by the Commission in favour of a complainant to be broadcast at a time and in a manner corresponding to that in which the offending broadcast took place. This section of the Act also applies to the private broadcasting services by virtue of Section 11 of the Radio and Television 1988, which extends the ambit of the Broadcasting Complaints Commission to these broadcasting services.

More technical sections

Section 7 of the 1990 Act is of a more technical nature - it enables RTE to appoint its own auditors, rather than having its accounts audited (usually with some delay) by the Comptroller and Auditor General. Section 7(c) requires the auditors to produce a specific statement of revenue derived by RTE from advertising, sponsorship and other forms of commercial promotion. This requirement is basically a cross-check on compliance by RTE with the advertising income limits set out in Section 3 of the Act.

Sections 9-15 of the 1990 Act are all related to the objective of creating a series of

9. See note (6).

new offences and penalties associated with the unauthorized interception of cable and MMDS services. Section 16 is designed to prevent the pirating of encrypted programme transmissions from abroad, an issue which will probably form part of some future European regulation or convention. Sections 17 and 18 are technical amendments to the Wireless Telegraphy Act 1926 and to the Broadcasting and Wireless Telegraphy Act 1988 (see Barniville, 1991).

Effects on public broadcasting

The parliamentary debate of the Act in Spring 1990 generated an unusual amount of public discussion of this piece of legislation. In fact the opposition to it was such that the Government was forced to drop its original proposal of diverting up to 25 per cent of RTE's licence fee income to the private broadcasting services. The Government, however, did not change the provision curbing RTE's advertising income, it cleverly allayed some of its critics by dropping the licence fee proposal.

In its first few months of operation, the new law has already had a number of clearly discernible effects. The limitation of airtime devoted to advertising on RTE has driven up the cost (by approximately 20 per cent) and availability of advertising on RTE. This in turn has led to some advertising business switching from RTE to other (British) television outlets. The Irish advertising industry estimates that the British ITV company Ulster Television (UTV) - UTV television programmes are widely viewed within the State - gained an additional £3 million advertising revenue in the second half of 1990. This is because some Irish advertisers are unable to afford the increased cost of advertising on RTE. The question as to whether this amount will increase or ultimately return to the State when TV3 is launched is open to debate.

The loss of a substantial proportion of its advertising income has forced RTE to implement a number of cutbacks: a reduction of the workforce by cutting 200 staff jobs (approximately 10 per cent of RTE staff); the abolition of the two RTE Choirs (which will leave Ireland without a professional choir); a curtailment of after midnight broadcasting; a trimming of the (already meagre) annual budget for Irish independent productions by over 15 per cent (from £3.1 million in 1990 to £2.5 million in 1991); a cut of 10 per cent in expenditure in all sections of RTE.

RTE is also exploring additional ways of increasing its income in those areas in which it can still operate without legal restrictions. One avenue is the provision of Irish (RTE) programmes to Irish people and those of Irish descent living in the UK and in the US. This could take the form of an ethnic (subscription) channel on US cable television and a three hour long RTE programme which would be broadcast by the BBC after its normal transmission had ended, available by subscription only.

Broadcasting Policy

The legislation outlined above shows that Ireland has no explicit or coherent national broadcasting policy. Developments in broadcasting tend to proceed with little or no public debate and to be in line with the interests of the members of the various elites in Irish society. The wider cultural and social implications for Irish society of changes in broadcasting are rarely debated - in fact decisions are made and justified in line with economic and commercial criteria. For example, the Government argued for the introduction of the Broadcasting Act 1990 in terms of 'ensuring that Irish broadcasting becomes a growth industry, bringing new investment and higher productivity into Irish broadcasting, creating new secure employment in the sector, providing choice to the consumer' (10). (Of course, Irish television audiences have always had a great amount of choice, i.e. the four British television channels and, more recently, the numerous satellite television channels.)

Traditionally Irish broadcasting policy has been reinforced by the wish to strengthen national identity and to maximize independence from Britain. Even today one aim of policy is to ensure as far as possible that Irish broadcasting remains the mainstream Irish viewers' and listeners' choice. But what has become an even more important factor in broadcasting policy is the emphasis on choice by viewers and listeners, and other economic criteria.

Certain social and economic trends are reflected in the Irish broadcast media structure. Over the last few years the Irish economy has been experiencing real growth rates which have led to increased advertising expenditure, a fact not unrelated to the willingness of businesses to invest in broadcasting. Ireland has a very young population (46 per cent are under 25 years of age), and this is probably a reason for the popularity and therefore profitability of some of the new private commercial radio stations with their music-led programming.

The high unemployment rate of around 17 per cent of the workforce enables some of the commercial broadcasters to reduce their personnel costs by paying wages substantially below the average industrial wage of approximately £11,400 per annum

10. Quotation from the (Daily) Second Stage Speech by the Minister for Justice and Communications, 7 June 1990.

(March 1990 figure). Thus it seems that a large proportion of the 500-600 people employed in the private broadcasting sector receive annual salaries as low as £5,000.

Irish broadcasting and Europe

National broadcasting policy is fairly consistent with European tendencies, and generally there is much emphasis on the economic and financial benefits of EC membership for Ireland. As has been shown above, the licensing of private broadcasting operations and the regulation of broadcasting in Ireland reflect current European trends, such as abolition of state monopolies, privatization of state enterprises and commercialization of broadcasting. In fact it can be argued that Ireland has simply copied its European partners, without developing a policy appropriate to itself.

Concerning the recent EC Directive and Council of Europe Convention Transfrontier Television, existing Irish media law is broadly in line with these government was always opposed to the original French plan that the Directive should contain a binding 60 per cent quota of made-in-Europe non-news programmes. The reason for this can be found in the fact that only about 23 per cent of RTE (non-news) programmes are home produced, a further 10-15 per cent of programmes come from the UK, so that in all only 35-40 per cent of RTE television programmes fulfill the made-in-Europe criterion of the Directive (11). Because the EC Directive is so vaguely phrased that it can be safely stated that Irish media law is broadly in line with the Directive, at least until such time as a court of justice decides otherwise.

Public broadcasting

The public broadcaster suffered a setback by the introduction of legal private commercial broadcasting in 1988, but it responded by way of improved efficiency and highly competitive advertising rates. Licence fees have not been increased for years, but RTE was so successful that the Government considered it necessary to curb its activities, in order to ensure the survival of a profitable private broadcasting sector - one that is more amenable to portraying the Government in a favourable light than the public service broadcaster is, an argument put forward by Meier et al. (1989) to explain the large increase in private commercial broadcasting activities throughout Europe.

The future of public service broadcasting, at least in its current form, is uncertain, especially if the planned new private television channel TV3 is loss-making. Were this to happen, it may lead to additional resources being switched from RTE to TV3. This might lead to the privatization of RTE's Network 2 or an eventual amalgamation between the latter and TV3, as it is difficult to imagine the economic survival of three television networks in a country the size of Ireland.

Broadcasting and culture

Irish media law is rather vague in terms of the regulations on the cultural content of broadcast programmes. The laws do not contain any specific quotas for home-produced or European programmes, stating only that RTE 'shall in its programming...reflect the varied elements which make up the culture of the people of the whole island of Ireland' and 'shall have regard to the need for formation of public awareness and understanding of the values and traditions of countries other than the state, including in particular those of such countries which are members of the European Economic Community' (12). The identical phrasing can be found in the Radio and Television Act, 1988 concerning the planned private television channel.

All statutes of Irish media law maintain that broadcasters should have special regard to programmes in the Irish language. Speakers of Ireland's first official language are fairly well served in terms of radio, as a result of the existence of Raidió na Gaeltachta and of Irish language programmes on a few of the new radio services (especially on those radio stations (13), which base their programming policy on the Community Radio Charter of the National Association of Community Broadcasting (NACB 1988)). The same does not apply to television. The vast majority of Irish speakers, are very dissatisfied with the small number of Irish language programmes transmitted by RTE television, currently 3-4 hours per week or around 3 per cent of total programming hours.

Over the last few years Irish speakers have been pressurizing the Government to extend Irish language broadcasting time, and as a result of this, the democratically elected Gaeltacht Authority, Udaras na Gaeltachta, has furnished the Government with a report on the setting up of a television service in Irish. According to press reports in 1989, this study recommended the setting up of a joint Udaras-RTE television station which would broadcast a service in Irish of two hours a day, seven days a week. The service would be based in the Gaeltacht, but transmitted nationwide. A decision was

11. The quota is contained in Article 4(1), which states, *inter alia*, that 'Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works...a majority proportion of their transmission time, excluding the time appointed to news, sport events, games, advertising and teletext services. This proportion...should be achieved progressively, on the basis of suitable criteria'.

12. Quotation from Section 13 of the Broadcasting Authority (Amendment) Act, 1976.

13. The local radio stations in Bray, Kilkenny, and Tipperary are, at the time of writing, run in accordance with the NACB Charter.

between undertakings with a view to their being relayed to the public. It does not include communication services providing items of information or other messages on individual demand such as telecopying, electronic data banks and other similar services;

(b) 'television advertising' means any form of announcement broadcast in return for payment or for similar consideration by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, or rights and obligations, in return for payment. Except for the purposes of Article 18, this does not include direct offers to the public for the sale, purchase or rental of products or for the provision of services in return for payment;

(c) 'surreptitious advertising' means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional in particular if it is done in return for payment or for similar consideration;

(d) 'sponsorship' means any contribution made by a public or private undertaking not engaged in television broadcasting activities or in the production of audio-visual works, to the financing of television programmes with a view to promoting its name, its trade mark, its image, its activities or its products.

CHAPTER II

General provisions

Article 2

1 Each Member State shall ensure that all television broadcasts transmitted by broadcasters under its jurisdiction, or by broadcasters who, while not being under the jurisdiction of any Member State, make use of a frequency or a satellite capacity granted by, or a satellite up-link situated in, that Member State, comply with the law applicable to broadcasts intended for the public in that Member State.

2 Member States shall ensure freedom of reception and shall not restrict retransmission on their territory of television broadcasts from other Member States for reasons which fall within the fields coordinated by this Directive. Member States may provisionally suspend retransmissions of television broadcasts if the following conditions are fulfilled:

(a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 22;

(b) during the previous 12 months, the broadcaster has infringed the same provision on at least two prior occasions;

(c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged infringements and of its intention to restrict retransmission should any such infringement occur again;

(d) consultations with the transmitting State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in point (c), and the alleged infringement persists.

The Commission shall ensure that the suspension is compatible with Community law. It may ask the Member State concerned to put an end to a suspension which is contrary to Community law, as a matter of urgency. This provision is without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.

3 This Directive shall not apply to broadcasts intended exclusively for reception in States other than Member States, and which are not received directly or indirectly in one or more Member States.

Article 3

1 Member States shall remain free to require television broadcasters under their jurisdiction to lay down more detailed or stricter rules in the areas covered by this Directive.

2 Member States shall, by appropriate means, ensure, within the framework of their legislation, that television broadcasters under their jurisdiction comply with the provision of this Directive.

countries with a low production capacity or restricted language area;

Whereas national support schemes for the development of European production may be applied in so far as they comply with Community law;

Whereas a commitment, where practicable, to a certain proportion of broadcasts for independent productions, created by producers who are independent of broadcasters, will stimulate new sources of television production, especially the creation of small and medium-sized enterprises; whereas it will offer new opportunities and outlets to the marketing of creative talents of employment of cultural professions and employees in the cultural field; whereas the definition of the concept of independent producer by the Member States should take account of that objective by giving due consideration to small and medium-sized producers and making it possible to authorize financial participation by the coproduction subsidiaries of television organizations;

Whereas measures are necessary for Member States to ensure that a certain period elapses between the first cinema showing of a work and the first television showing;

Whereas in order to allow for an active policy in favour of a specific language, Member States remain free to lay down more detailed or stricter rules in particular on the basis of language criteria, as long as these rules are in conformity with Community law, and in particular are not applicable to the retransmission of broadcasts originating in other Member States;

Whereas in order to ensure that the interests of consumers as television viewers are fully and properly protected, it is essential for television advertising to be subject to a certain number of minimum rules and standards and that the Member States must maintain the right to set more detailed or stricter rules and in certain circumstances to lay down different conditions for television broadcasters under their jurisdiction;

Whereas Member States, with due regard to Community law and in relation to broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more Member States, must be able to lay down different conditions for the insertion of advertising and different limits for the volume of advertising in order to facilitate these particular broadcasts;

Whereas it is necessary to prohibit all television advertising promoting cigarettes and other tobacco products including indirect forms of advertising which, whilst not directly mentioning the tobacco product, seek to circumvent the ban on advertising by using brand names, symbols or other distinctive features of tobacco products or of undertakings whose known or main activities include the production or sale of such products;

Whereas it is equally necessary to prohibit all television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls and to introduce strict criteria relating to the television advertising of alcoholic products;

Whereas in view of the growing importance of sponsorship in the financing of programmes, appropriate rules should be laid down;

Whereas it is, furthermore, necessary to introduce rules to protect the physical, mental and moral development of minors in programmes and in television advertising;

Whereas although television broadcasters are normally bound to ensure that programmes present facts and events fairly, it is nevertheless important that they should be subject to specific obligations with respect to the right of reply or equivalent remedies so that any person whose legitimate interests have been damaged by an assertion made in the course of a broadcast television programme may effectively exercise such right or remedy.

Has adopted this directive

CHAPTER I

Definitions

Article 1

For the purpose of this Directive:

(a) 'television broadcasting' means the initial transmission by wire or over the air, including that by satellite, in unencoded or encoded form, of television programmes intended for reception by the public. It includes the communication of programmes

Whereas such abolition must go hand in hand with coordination of the applicable laws; whereas this coordination must be aimed at facilitating the pursuit of the professional activities concerned and, more generally, the free movement of information and ideas within the Community;

Whereas it is consequently necessary and sufficient that all broadcasts comply with the law of Member State from which they emanate;

Whereas this Directive lays down the minimum rules needed to guarantee freedom of transmission in broadcasting; whereas, therefore, it does not affect the responsibility of the Member States and their authorities with regard to the organization - including the systems of licensing, administrative authorization or taxation - financing and the content of programmes; whereas the independence of cultural developments in the Member States and the preservation of cultural diversity in the Community therefore remain unaffected;

Whereas it is necessary, in the common market, that all broadcasts emanating from and intended for reception within the Community and in particular those intended for reception in another Member State, should respect the law of the originating Member State applicable to broadcasts intended for reception by the public in that Member State and the provisions of this Directive;

Whereas the requirement that the originating Member State should verify that broadcasts comply with national law as coordinated by this Directive is sufficient under Community law to ensure free movement of broadcasts without secondary control on the same grounds in the receiving Member States; whereas, however, the receiving Member State may, exceptionally and under specific conditions provisionally suspend the retransmission of televised broadcasts;

Whereas it is essential for the Member State to ensure the prevention of any acts which may prove detrimental to freedom of movement and trade in television programmes or which may promote the creation of dominant positions which would lead to restrictions on pluralism and freedom of televised information and of the information sector as a whole;

Whereas this Directive, being confined specifically to television broadcasting rules, is without prejudice to existing or future Community acts of harmonization, in particular to satisfy mandatory requirements concerning the protection of consumers and the fairness of commercial transactions and competition;

Whereas co-ordination is nevertheless needed to make it easier for persons and industries producing programmes having a cultural objective to take up and pursue their activities;

Whereas minimum requirements in respect of all public or private Community television programmes for European audio-visual productions have been a means of promoting production, independent production and distribution in the above mentioned industries and are complementary to other instruments which are already or will be proposed to favour the same objective;

Whereas it is therefore necessary to promote markets of sufficient size for television productions in the Member States to recover necessary investments not only by establishing common rules opening up national markets but also by envisaging for European productions where practicable and by appropriate means a majority proportion in television programmes of all Member States; whereas, in order to allow the monitoring of the application of these rules and the pursuit of the objectives, Member States will provide the Commission with a report on the application of the proportions reserved for European works and independent productions in this Directive; whereas for the calculation of such proportions account should be taken of the specific situation of the Hellenic Republic and the Portuguese Republic; whereas the Commission must inform the other Member States of these reports accompanied, where appropriate by an opinion taking account of, in particular, progress achieved in relation to previous years, the share of first broadcasts in the programming, the particular circumstances of new television broadcasters and the specific situation of countries with a low audio-visual production capacity or restricted language area;

Whereas for these purposes 'European works' should be defined without prejudice to the possibility of Member States laying down a more detailed definition as regards television broadcasters under their jurisdiction in accordance with Article 3 (1) in compliance with Community law and account being taken of the objectives of this Directive;

Whereas it is important to seek appropriate instruments and procedures in accordance with Community law in order to promote the implementation of these objectives with a view to adopting suitable measures to encourage the activity and development of European audio-visual production and distribution, particularly in

Television without frontiers: EC directive on... television broadcasting activities, October 1989

Source of Document:
Official Journal of the European
Communities L298, 17/10/1989

Council Directive of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

The Council of the European Communities.

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 57(2) and 66 thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the objectives of the Community as laid down in the Treaty include establishing an even closer union among the peoples of Europe, fostering closer relations between the States belonging to the Community, ensuring the economic and social progress of its countries by common action to eliminate the barriers which divide Europe, encouraging the constant improvement of the living conditions of its peoples as well as ensuring the preservation and strengthening of peace and liberty;

Whereas the Treaty provides for the strengthening of peace and liberty; establishment of a common market, including the abolition, as between member States, of obstacles to freedom of movement for services and the institution of a system ensuring that competition in the common market is not distorted;

Whereas broadcasts transmitted across frontiers by means of various technologies are one of the ways of pursuing the objectives of the Community; whereas measures should be adopted to permit and ensure the transition from national markets to a common programme production and distribution market and to establish conditions of fair competition without prejudice to the public interest role to be discharged by the television broadcasting services;

Whereas the Council of Europe has adopted the European Convention on Transfrontier Television;

Whereas the Treaty provides for the issuing of directives for the coordination of provisions to facilitate the taking up of activities as self-employed persons;

Whereas television broadcasting constitutes, in normal circumstances, a service within the meaning of the Treaty;

Whereas the Treaty provides for free movement of all services normally provided against payment, without exclusion on grounds of their cultural or other content and without restriction of nationals of Member States established in a Community country other than that of the person for whom the services are intended;

Whereas this right as applied to the broadcasting and distribution of television services is also a specific manifestation in Community law of a more general principle, namely the freedom of expression as enshrined in Article 10(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms ratified by all Member States; whereas for this reason the issuing of directives on the broadcasting and distribution of television programmes must ensure their free movement in the light of the said Article and subject only to the limits set by paragraph 2 of that Article and by Article 56(1) of the Treaty;

Whereas the laws, regulations and administrative measures in Member States concerning the pursuit of activities as television broadcasters and cable operators contain disparities, some of which may impede the free movement of broadcasts within the Community and may distort competition within the common market;

Whereas all such restrictions on freedom to provide broadcasting services within the Community must be abolished under the Treaty;

1 OJ No C 179, 17.7.1986, p.4

2 OJ No 49, 22.2.1988, p.53, and
OJ NO C 158, 26.6.1989

3 OJ No C 232, 31.8.1987, p.29

Veritas.

Pine, R. and M. Thomas (1986) *Communications and Community: The Case of Irish Radio*. Dublin: RTE.

RTE (1979) *Nationwide Community Radio: Proposals for the Eighties*. Dublin: RTE.

Truetzschler, W. (1990a) 'Media, Culture and Society: The Case of Ireland', in *Medien Journal*, 14(3): 142-158.

Truetzschler, W. (1990b) 'Media Policy in Ireland' in Austrian Ministry of Science (research project), *Opportunities for Media and Cultural Policy in Small States*. Salzburg: University of Salzburg/Bundesministerium für Wissenschaft und Forschung.

expected to be made by the Government towards the end of 1990, but has yet to be announced. At the time of writing, it seems that the Government is planning to force RTE to broadcast these two hours of Irish language programmes on Network 2 during peak viewing time. As Irish language programmes (according to industry guesstimates) have an audience of approximately 2 per cent of television households, and may therefore attract less advertising than their English language counterparts, this plan can be seen as another setback for RTE.

Supreme authority in broadcasting matters

As outlined above, all decisions concerning the broadcast media are either subject to the approval of, or are made directly by, the Minister for Communications. The Minister awards licences, oversees the adherence to the regulations contained in the broadcasting legislation, decides on the profitability of individual radio and television stations by drawing up the advertising regulations, etc. The 1990 Act in effect means that RTE's advertising revenue is now also politically and statutorily determined, thus abolishing the last area of broadcasting not under direct ministerial or statutory control. The Minister for Communications can be viewed, therefore, as the supreme authority in broadcasting matters, whose decisions can only be challenged by the courts or the Dail.

The role of Telecom Eireann

Unlike the situation in most other European countries, where the national PTTs are traditionally involved in the technical as well as the policy end of broadcasting, (German Telecom is a main actor in the spread of cable television), Telecom Eireann has no input into broadcasting other than in the provision of certain technical facilities. Most of the transmission facilities in the state are owned and operated by RTE, but their use is subject to approval by the Department of Communications. Although a small proportion of the private broadcasting services have their own transmission facilities, in practice most of them use the facilities provided by their main competitor RTE. In return, RTE is paid a rental fee for their use (according to the 1988 Act), but RTE cannot refuse access to them by private operators. The same will apply to the new commercial television channel.

Basically, Telecom Eireann is used by government as an instrument of industrial policy, offering advanced technological facilities to attract foreign investment. Its role may change in the future, now that it owns 60 per cent of the shares in Cablelink (the remaining shares are owned by RTE), Ireland's largest cable television operator.

References

- Barnville, D. (1991) 'Broadcasting Act 1990', in *Current Irish Law Statutes Annotated*, next release.
- Byrne, R. and Binchy, W. (1989) *Annual Review of Irish Law 1988*. Dublin: The Round Hall Press.
- Casey, J. (1987) *Constitutional Law in Ireland*. London: Sweet & Maxwell.
- Council of Europe (1989). *European Convention on Transfrontier Television*. Strasbourg: Council of Europe.
- EC Directive on... Television Broadcasting Activities (1989).
- Hall, E. and P. McGovern (1986) 'Regulation of the Media: Irish and European Community Dimensions', in *Dublin University Law Journal*, 8: 1-31.
- Hall, E. and P. McGovern (1988) 'Radio and Television Act, 1988', in *Current Irish Law Statutes Annotated*, 20: 1-30.
- IRTC (Independent Radio and Television Commission) (1988) *Guide to Submissions: Local Radio*. Dublin: IRTC.
- Kelly, M. and W. Truetzschler (1986) 'Ireland', in H.J. Kleinsteuber, D. McQuail and K. Siune (eds.), *Electronic Media and Politics in W. Europe. Euromedia Research Group Handbook of National Systems*. Frankfurt/New York: Campus.
- Kelly, M. and W. Truetzschler (1991) 'Ireland: From Nation Building to Economic Perogatives', in Euromedia Research Group, *Media Systems in Western Europe*. London: Sage (forthcoming).
- McQuail, D. (1986) 'Commercialization', in D. McQuail and K. Siune (eds.), *New Media Politics*. London: Sage.
- Meier, W., H. Bonfadelli and M. Schanne (1989) 'Europas Fernsehlandschaft aus schweizerischer Sicht: Neue Herausforderungen für Kleinstaaten' (Europe's television landscape from a Swiss point of view: New challenges to small states.), paper presented at the meeting of the IAMCR working group on cultural and broadcasting policy in small states, Bregenz/Austria, November.
- Mulryan, P. (1988) *Radio, Radio: The Story of Independent, Local, Community and Pirate Radio*. Dublin: Borderline Publications.
- NACB/Veritas (1988). *A Voice for Everyone: All you need to know about community radio*. Dublin:

CHAPTER III

Promotion of distribution and production of television programmes

Article 4

1 Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works, within the meaning of Article 6, a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services. This proportion, having regard to the broadcaster's informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria.

2 Where the proportion laid down in paragraph 1 cannot be attained, it must not be lower than the average for 1988 in the Member State concerned.

However, in respect of the Hellenic Republic and the Portuguese Republic, the year 1988 shall be replaced by the year 1990.

3 From 3 October 1991, the Member States shall provide the Commission every two years with a report on the application of this Article and Article 5.

That report shall in particular include a statistical statement on the achievement of the proportion referred to in this Article and Article 5 for each of the television programmes falling within the jurisdiction of the Member State concerned, the reasons, in each case, for the failure to attain that proportion and the measures adopted or envisaged in order to achieve it.

The Commission shall inform the other Member States and the European Parliament of the reports, which shall be accompanied, where appropriate, by an opinion. The Commission shall ensure the application of this Article and Article 5 in accordance with the provisions of the Treaty. The Commission may take account in its opinion, in particular, of progress achieved in relation to previous years, the share of first broadcast works in the programming, the particular circumstance of new television broadcasters and the specific situation of countries with a low audio-visual production capacity or restricted language area.

4 The Council shall review the implementation of this Article on the basis of a report from the Commission accompanied by any proposals for revision that it may deem appropriate no later than the end of the fifth year from the adoption of the Directive.

To that end, the Commission report shall, on the basis of the information provided by Member States under paragraph 3, take account in particular of developments in the Community market and of the international context.

Article 5

Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time appointed to news, sports events, games, advertising and teletext services, or alternately, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters. This proportion, having regard to broadcasters' informational, educational, cultural and entertainment responsibilities to its viewing public, should be achieved progressively, on the basis of suitable criteria; it must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production.

Article 6

1 Within the meaning of this chapter, 'European works' means the following:

(a) works originating from Member States of the Community and, as regards television broadcasters falling within the jurisdiction of the Federal Republic of Germany, works from German territories where the Basic Law does not apply and fulfilling the conditions of paragraph 2;

(b) works originating from European third States party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of paragraph 2;

(c) works originating from other European third countries and fulfilling the conditions of paragraph 3.

2 The works referred to in paragraph 1(a) and (b) are works mainly made with authors and workers residing in one or more States referred to in paragraph 1(a) and (b) provided that they comply with one of the following three conditions:

(a) they are made by one or more producers established in one or more of those States; or

(b) production of the works is supervised and actually controlled by one or more producers established in one or more of those States; or

(c) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by one or more producers established outside those States.

3 The works referred to in paragraph 1(c) are works made exclusively or in co-production with producers established in one or more Member State by producers established in one or more European third countries with which the Community will conclude agreements in accordance with the procedures of the Treaty, if those works are mainly made with authors and workers residing in one or more European States

4 Works which are not European works within the meaning of paragraph 1, but made mainly with authors and workers residing in one or more Member States, shall be considered to be European works to an extent corresponding to the proportion of the contribution of Community co-producers to the total production costs

Article 7

Member States shall ensure that the television broadcasters under their jurisdiction do not broadcast any cinematographic work, unless otherwise agreed between its rights holders and the broadcaster, until two years have lapsed since the work was first shown in cinemas in one of the Member States of the Community; in the case of cinematographic works co-produced by the broadcaster, this period shall be one year.

Article 8

Where they consider it necessary for purposes of language policy, the Member States, whilst observing Community law, may as regards some or all programmes of television broadcasters under their jurisdiction, lay down more detailed or stricter rules in particular on the basis of language criteria.

Article 9

This chapter shall not apply to local television broadcasts not forming part of a national network.

CHAPTER IV

Television advertising and sponsorship

Article 10

1 Television advertising shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and /or acoustic means.

2 Isolated advertising spots shall remain the exception.

3 Advertising shall not use subliminal techniques.

4 Surreptitious advertising shall be prohibited.

Article 11

1 Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 2 to 5 of this Article are fulfilled, advertisements may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.

2 In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or in the intervals.

3 The transmission of audio-visual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their programmed duration is more than 45 minutes, may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their programmed duration is at least 20 minutes longer than two or more complete periods of 45 minutes.

4 Where programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least 20 minutes should elapse between each successive advertising break within the programme.

5 Advertisements shall not be inserted in any broadcast of a religious service. News and current affairs programmes, documentaries, religious programmes, and children's programmes, when their programmed duration is less than 30 minutes shall not be interrupted by advertisements. If their programmed duration is of 30 minutes or longer, the provisions of the previous paragraphs shall apply.

Article 12

Television advertising shall not:

- (a) prejudice respect for human dignity;
- (b) include any discrimination on grounds of race, sex or nationality;
- (c) be offensive to religious or political beliefs;
- (d) encourage behaviour prejudicial to health or to safety;
- (e) encourage behaviour prejudicial to the protection of the environment.

Article 13

All forms of television advertising for cigarettes and other tobacco products shall be prohibited.

Article 14

Television advertising for medicinal products and medical treatment available only on prescription in the Member State within whose jurisdiction the broadcaster falls shall be prohibited.

Article 15

Television advertising for alcoholic beverages shall comply with the following criteria:

- (a) it may not be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- (b) it shall not link the consumption of alcohol to enhanced physical performance or to driving;
- (c) it shall not create the impression that the consumption of alcohol contributes toward social or sexual success;
- (d) it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- (e) it shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- (f) it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.

Article 16

Television advertising shall not cause moral or physical detriment to minors, and shall therefore comply with the following criteria for their protection:

- (a) it shall not directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;
- (b) it shall not directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;
- (c) it shall not exploit the special trust minors place in parents, teachers or other persons;
- (d) it shall not unreasonably show minors in dangerous situations.

Article 17

1 Sponsored television programmes shall meet the following requirements:

- (a) the content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes;
- (b) they must be clearly identified as such by the name and/or logo of the sponsor at the beginning and/or the end of the programmes;
- (c) they must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.

2 Television programmes may not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of products, or the provision of services, the advertising of which is prohibited by Article 13 or 14.

3 News and current affairs programmes may not be sponsored.

Article 18

1 The amount of advertising shall not exceed 15% of the daily transmission time. However, this percentage may be increased to 20% to include forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services, provided the amount of spot advertising does not exceed 15%.

2 The amount of spot advertising within a given one-hour period shall not exceed 20%.

3 Without prejudice to the provisions of paragraph 1, forms of advertisements such as direct offers to the public for the sale, purchase or rental of products or for the provision of services shall not exceed one hour per day.

Article 19

Member States may lay down stricter rules than those in Article 18 for programming time and the procedures for television broadcasting for television broadcasters under their jurisdiction, so as to reconcile demand for televised advertising with the public interest, taking account in particular of:

(a) the role of television in providing information, education, culture and entertainment;

(b) the protection of pluralism of information and of the media.

Article 20

Without prejudice to Article 3, Member States may, with due regard for Community law, lay down conditions other than those laid down in Article 11(2) to (5) and in Article 18 in respect of broadcasts intended solely for the national territory which may not be received, directly or indirectly, in one or more other Member States.

Article 21

Member States shall, within the framework of their laws, ensure that in the case of television broadcasts that do not comply with the provisions of this chapter, appropriate measures are applied to secure compliance with these provisions.

CHAPTER V **Protection of minors**

Article 22

Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors, in particular those that involve pornography or gratuitous violence. This provision shall extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

Member States shall also ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.

CHAPTER VI **Right of reply**

Article 23

1 Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies.

2 A right of reply or equivalent remedies shall exist in relation to all broadcasters under the jurisdiction of a Member State.

3 Member States shall adopt the measures needed to establish the right of reply

or the equivalent remedies and shall determine the procedure to be followed for the exercise thereof. In particular, they shall ensure that a sufficient time span is allowed and that the procedures are such that the right or equivalent remedies can be exercised appropriately by natural or legal persons resident or established in other Member States.

4 An application for exercise of the right of reply or the equivalent remedies may be rejected if such a reply is not justified according to the conditions laid down in paragraph 1, would involve a punishable act, would render the broadcaster liable to civil law proceedings or would transgress standards of public decency.

5 Provision shall be made for procedures whereby disputes as to the exercise of the right of reply or the equivalent remedies can be subject to judicial review.

CHAPTER VII

Final provisions

Article 24

In fields which this Directive does not coordinate, it shall not affect the rights and obligations of Member States resulting from existing conventions dealing with telecommunications or broadcasting.

Article 25

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 3 October 1991. They shall forthwith inform the Commission thereof.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the fields governed by this Directive.

Article 26

Not later than the end of the fifth year after the date of adoption of this Directive and every two years thereafter, the Commission shall submit to the European Parliament, the Council, and the Economic and Social Committee a report on the application of this Directive and, if necessary, make further proposals to adapt it to developments in the field of television broadcasting.

Article 27

This Directive is addressed to the Member States.

Vibeke Petersen, PhD 1982 in Political Science from the University of Copenhagen. Has worked since then on broadcasting regulation, in the Ministry of Culture until 1988 and now in the Ministry of Communications in Denmark. The views expressed in the article are his own.

Television in an uneasy place between culture and industry

Vibeke Petersen

Before the EC Directive on 'Television without Frontiers' was adopted on 3 October 1989, a great deal of statistics and forecasts about the sorry state of the European television industry had pointed to the necessity for action. There was - and is - the fear that foreign, mainly American, programmes would increasingly dominate European screens, resulting in a loss of European culture and the demise of our audio-visual industry. To mention a few of the factors behind this gloomy view:

- American fiction films have over 40 per cent of the European market share.
- American-controlled companies have 60 per cent of the film distribution market in Europe.
- In 1988 Europe bought \$700 million worth of television programmes, mainly fiction, from the US, and the number is expected to rise.
- About 90 per cent of audio-visual products made in Europe never leave their country of origin.
- European television channels will require 16,000 hours of prime time fiction over the next five years, but are capable of producing only 2,500 hours (Wasko, 1990:2).

The list could go on. The single most important reason cited for the unfortunate state of affairs is the divided market which because of its borders is unable to meet the demands of a rapidly expanding television market. Hence the priority given to opening up the borders by way of the Television Directive. In this way the Directive falls within the overall effort of the EC to create a single market for the benefit of Europeans.

It is clear, however, that a strictly industrial policy will not do alone. Television programming has cultural as well as economic value and is as such seen as an important contributor to a common European consciousness. The 'cultural' Community is referred to in much more cautious terms than the economic Community, often given only passing attention as a by-product of the single market. One reason for this is, of course, that culture does not fall within the sphere of the Rome Treaty and therefore cannot be tackled directly. Another is that some member states, particularly the smaller ones, are afraid of losing their identity in the European melting pot and therefore become protective of their cultural individuality.

It should be noted here that a homogeneous European culture is the declared goal of no-one. On the contrary, the heterogeneity of European culture is perceived as its biggest asset, to be preserved if not at all cost, then at some.

Industry or culture

The Directive on Television without Frontiers reflects the ambiguity of the industrial/cultural distinction, particularly concerning the issue of programming quotas. By requesting broadcasters to reserve half their transmission time (of fiction primarily) for European works the Directive clearly does more than remove barriers to cross-border television through regulation of programming content. This has caused problems on several fronts, including the EC's own policies in related areas.

The most sensational protest came from the USA whose trade representative Carla Hills went on a tour of the European capitals trying to dissuade governments from adopting the Directive's quota clause. Inspired by the American film industry, US authorities claim that protectionist measures like quotas will create a 'fortress Europe', and they have pointed out that this could be an impediment to the current negotiations under GATT on trade in services. In these negotiations the EC maintains that whereas they are all for a liberalization of the transmission signals, the content of signals shall remain subject to the rules recognizing the specific cultural role of television - i.e. the quotas stay. So, if the Directive itself is short on references to cultural policy, the strategy in the trade negotiations reveals the Commission's awareness of issues other than industrial ones in broadcasting.

The Directive was adopted against the votes of Belgium and Denmark. The Belgians felt they had not been allowed sufficient right to protect their own cultural goals, and Denmark objected on the grounds that the Rome Treaty does not encompass cultural policy such as broadcasting regulation. The Danish attitude can be

said to reflect the considerable hesitancy towards the Common Market among Danes ever since Denmark joined the EC in 1973. The removal of the Iron Curtain has, however, had a major impact on this hesitancy, as has the 'rapprochement' to the EC of Denmark's close neighbours, Norway and Sweden. Lately, the government has suggested that the Rome Treaty be amended to include culture, and it seems to have broad political backing in Denmark for such a step.

Also in the Federal Republic of Germany the Directive met with resistance. Because cultural policy, including broadcasting regulation, is the prerogative of the Länder, the federal government's right to accept the quota clause was disputed by the Länder governments who have presented the case to the Constitutional Court in Karlsruhe. It was in consequence of the Länder opposition that the formulation of Article 4 (the quota clause) became 'soft' (... where practicable and by appropriate means...) and that a declaration was issued in connection with the adoption of the Directive to the effect that this particular article was a political goal rather than judicially binding. The Commission has later interpreted the declaration in a slightly different way, saying that the quota clause is as binding as the rest of the Directive, but that it is hard to see how the European Court could make a clear decision on a quota issue, given the formulation of Article 4 (*Official Journal*, C 97/22, 17.4.90).

Competition policy

It is part of the overall Community policy in the audio-visual area (EC (1990)) to encourage competition. This involves among other things promotion of independent production and of new second-run channels that can contribute to the creation of a secondary market for audio-visual products. The Commission is thinking here particularly of cable and satellite channels. The secondary market is seen as one of the strong advantages the US industry has over the European because of its potential as an additional source of income.

The reality of the television market in Europe shows that such new channels require substantial capital. It may therefore be necessary for their development to let them operate without the content restrictions of the Directive, according to the policy plan. Given that several of the 'primary market' channels that have emerged within the past few years have financial difficulties, it may prove difficult to enforce strict quota rules on some channels, while others are exempted. Even without a protected new tier of 'secondary market' channels, quotas are causing administrative headaches, for instance in France where some of the new channels have been fined for breaking the domestic quota rules.

The goal of strengthening competition in the audio-visual area involves providing better conditions for independent producers in Europe. The Directive's quota clause contains rules to this end - that 10 per cent of either transmission time or programming budget (again for fiction primarily) be reserved for independent productions. In addition, the Commission's policy is to tackle the disadvantage faced by independent producers vis-a-vis the powerful television broadcasters who dominate distribution and thus make the rules. In most cases these broadcasters own the copyright to the programmes they air, with the effect of depriving the independent producers of the right to further exploitation and keeping the market under-supplied.

Seen from a cultural policy point of view, the wish to promote competition in production is arguably a two-sided issue. The independent production sector consists mainly of small and medium sized companies that have a long way to go before being able to offer a stable, high quality supply of programmes with mass appeal. If the traditional big broadcasting organisations, i.e. Europe's public service institutions, are to have their existing economic conditions curtailed in the process of enhancing those of the independent producers, the loser may well be the viewer. This is not to say that independent producers cannot make good programmes, merely to point out that big productions require big money and ample production facilities - such as those commanded by the programme producers in the US.

This argument should not be taken too far, of course. No-one denies that the European audio-visual industry has a structural problem and that European culture will suffer, if nothing is done. It is the plan of the Commission to follow up the Television Directive up with rules on copyright and measures to help the independent producers, as mentioned. In addition, initiatives are taken to avoid concentration of ownership of the media industry, to strengthen the European cooperation in developing HDTV, and to move the Media 92 programme from its pilot phase into full-scale operation with a substantial increase in funding.

Media and Eureka

The Media 92 programme was launched by the Commission in 1987. It is made up of several different projects, all of which concentrate on pre- and post-production

efforts such as training, research and development, script-writing, distribution of cinema films and video cassettes, multilingualism, and cartoon production. Besides continuing these efforts the future Media programme will seek co-operation with Central and Eastern European countries, and there are plans for an increased attention to regions with a low audio-visual production.

The Media programme was set up primarily with small- and medium-sized producers as the target group. In recognition of the fact that the European industry must have the benefits of economies of scale in order to be able to compete with American production, the EC Commission has - in conjunction with the French President Mitterand - launched the Audio-Visual Eureka project. This happened at the Rhodes-meeting of the European Council in December 1988, and it was followed up in the beginning of October 1989 with a large-scale conference in Paris, 'les Assises de l'audiovisuel'.

The Audio-Visual Eureka has borrowed part of its name from the European technological cooperation and, like it, it aims to mobilize industry, professionals, and governments in an effort to create a competitive production for the big European market. The market, as well as the Eureka scheme itself, includes non-EC Europe. A joint declaration by ministers from 26 countries participating in 'les Assises' lists measures to be taken within the Eureka framework, among them the setting up of a secretariat (now in place in Brussels), the establishment of a Coordinators Committee with representatives from governments in the role of a board of governors, and the creation of an Observatory which can function as a databank for the industry.

The Eureka plan operates under three main headings: the rules of the game, the programme industries, and new technologies (primarily HDTV). This 'tryptich', as it has been baptized by the EC Commission, is also the backbone of the Commission's design for future initiatives in the audio-visual area, and it is clear that Eureka has played a major role as inspiration. The interplay between existing and proposed directives (on, e.g., copyright and satellite-TV), Media, and Eureka projects of co-operation in production and distribution is supposed to create a synergy to boost the audio-visual arena all around.

In the meantime

The synergetic effects cannot be expected to manifest themselves quickly and all at once, even if everything is carried out according to schedule. In the meantime, some of the possible short-term consequences of the Television Directive and the proposed follow-ups may be less attractive. One such consequence concerns independent production and its potential role as provider of material for the increased programming hours. In a recent survey of broadcasting in the UK (*Financial Times*, 16 October 1990) it is predicted that the bonanza for independent producers, supposed to follow the Broadcasting Act's clause of 25 per cent independent production on BBC and the ITV/Channel 3 companies, may never happen. Part of the reason given is the broadcasters' insistence that they keep the right to the programmes they buy (as mentioned above, the EC wants to change the rules here). Another point is that a great deal of upheaval can be expected in the independent sector - new companies are being created, but many are too small or inexperienced to complete and mergers and take-overs will reduce their number and increase their size. In 1989 Channel 4 commissioned programmes from 526 companies, but only 28 of them made productions worth more than stg£1 million.

Contrary to commonly held beliefs, independent productions do not seem to reduce costs of programme making. Consultants Ernst & Young have found that overall production costs in the independent sector are 15 per cent higher than in the BBC, mainly because of high wages. As a result of the 25 per cent independent programming requirement the BBC will close down one quarter of its studio facilities and reduce staff by several thousand (*ibid*). In a similar vein a director of Thames Television has said that the 25 per cent quota will cost the ITV companies stg£100 million (*Screen Finance*, 18 October 1990:19).

To this picture should be added, that American producers are likely to step up their efforts on the European market when faced with the Directive's quotas. Besides still having scope for expansion from the current 40 per cent of American fiction programmes on European screens to the permitted 50 per cent they will be able to co-produce with European companies to a greater extent than they do today. In many cases such co-operation is likely to involve the major established European broadcasters rather than the smaller and newer independent producers. Also on the distribution side of the business the Americans will remain a formidable competitor. The chairman of the American Film Marketing Association claims that the US majors are driving European independents out of business through monopolistic behaviour, and he warns that this will be at the cost of their own prosperity in Europe (*Screen Finance*, 4 October 1990).

The creation of an open market for audio-visual products is supposed to be beneficial not only to the large producer countries, but also to the smaller ones. It is, however, the experience of most small countries that their cultural goods have a more than hard time surviving in market place conditions. EC competition rules which form a strong ideological backdrop for all policies, including the audio-visual one, are not in favour of discriminatory national regulations and subsidies. And although the Directive as well as the Media programme talks about the need to give special consideration to 'the specific situation of countries with a low audio-visual production capacity or restricted language area', there do not seem to be plans for suspending the rules of the market place.

Small countries have a problem financing film and television productions. Income from licence fees is limited, and so is the advertising market. They are therefore susceptible to competition from neighbouring or other foreign channels taking away not only viewers, but also potential advertising earnings. National broadcasting policy that deviates from the mainstream of the larger nations' becomes difficult to sustain. This development is due to the spread of cable and the increase in satellite channels and not the Television Directive, of course. But the removal of frontiers and the establishment of a 'level playing field' is not likely to make it easier for small countries to maintain independent policies.

Concluding remarks

There has been no dearth of lobbying by the cultural establishments in connection with the preparation of the Television Directive. Up until the very last moment the French film industry put pressure on the government to insist on a 60 per cent quota of European programmes (instead of the 50 per cent agreed upon by the other member states). It was only after - the day after, in fact, - the successful conclusion of the Audio-Visual Eureka conference that France bowed to the majority and voted yes to the Directive. As mentioned, the German Länder fought hard, and are still fighting, for a watered down quota clause, because they are not prepared to relinquish their cultural independence to the federal government in Bonn. The Directive's Chapter III on the promotion of distribution and production of television programmes (the quota clauses) does not apply to local television broadcasts 'not forming part of a national network'. It is commonly known as the 'Berlusconi article' because its main aim was to exclude the Italian private television stations until they were given the right to form national networks - which has now happened with the recent adoption of a new broadcasting law in Italy. Also the Spanish regional channels are 'protected' by this exemption, whereas, e.g., ITV in the UK, FR3 in France and ARD in Germany are not, since they do form national networks (*EBU Review*, 1990).

Working from the outside we find the American film producers who, in support of their economic interests, have accused Europeans of cultural guardianship of the worst kind and tried to convince EC member states that the viewers, not their governments, should decide what (television) culture is.

In most cases, objections to the content of the Directive are predominantly motivated by economic and political considerations, hidden or overt, and perhaps less by a disinterested concern for the cultures of Europe. They are nonetheless, bringing the creation of audio-visual products into focus in the European policy debate, and they have contributed in no small measure to the diversity of the EC plans for future action.

References

- EBU Review* (1990), 41 (4).
- EC (1990) 'Communications from the Commission to the Council and Parliament on audio-visual policy'. Brussels.
- Financial Times* (1990), 16 October.
- Screen Finance* (1990), 3 (20).
- Wasko, J. (1990) 'Hollywood's Last Crusade - The World Market: Strategies of the US Entertainment Industry in Europe', paper delivered at the IAMCR conference in August, 1990, Bled.

Mario Hirsch,
Communications consultant,
Luxembourg, Expert to the
European Commission and
the European Institute of the
media in Manchester.

Television without frontiers: the economic dimension

by Mario Hirsch

With the establishment of a single market in broadcasting for audiences throughout the EC, which is the main aim of the EC Television Directive of 1989, conditions are supposed to be created for the full development of broadcasting activities. Supporters of this initiative, which is in line with the general internal market philosophy, believe that an enlarged market in broadcasting will bring economies of scale and improve the international trading position of member states in both the software and the hardware aspects of broadcasting.

It should be recalled that the new emphasis on the economic dimensions of broadcasting took some time to come about and that until recently broadcasting activities were perceived as being a matter of culture, national identity, education and information. The EC Directive took stock of these changes in perspective and it is likely to enhance a business-oriented approach.

The advent of new delivery technologies such as cable and satellite, which gained speed in the second half of the eighties, put under strain the comfortable position of broadcasting monopolies in most if not all member states. The reliance on these technologies gave also a new international dimension to broadcasting, enabling the setting-up of new cross-border services.

The growing commercialization and internationalization of broadcasting induced governments to loosen the monopolistic outlook of their broadcasting policies. Deregulation became the name of the game and it led to the emergence of a dual sector characterized by the application of market criteria to broadcasting, which became an 'industry' dealing with 'customers' and offering 'products'. The new vista inevitably brought corporate actors and entrepreneurial figures to the fore and led to an increased involvement of banks and financiers in broadcasting.

These new actors were encouraged by prospects of frequencies being put out to tender and of a relaxation of controls on advertising and programming. These incentives proved to be decisive for those eager to exploit the huge and largely untapped European market. According to 1989 estimates by Saatchi and Saatchi \$420 billion in advertising revenue could be available from broadcasting activities in Europe - up from \$3 billion in 1980 and \$9 billion in 1990.

Long before policy activities took shape at Community level, the European Court of Justice had already paved the way in the early eighties by developing case law on transborder broadcasting according to which broadcasts were to be considered as 'services' falling under the free-movement provisions of the EEC Treaty.

These developments induced the need for a common framework for transborder broadcasting of which the 1989 EC Directive is the most prominent example.

Most European governments responded to the changing broadcasting environment by loosening their grip on the sector and by accepting the idea of two sectors in broadcasting. Public service broadcasting had to live with new challenges inevitable in a deregulated climate.

In most countries public broadcasters came to realize that their future would depend on the public's readiness to pay for this service in an environment marked by the abundance of new advertising-driven channels. Entrepreneurial thinking is now permeating most public service broadcasters, sometimes conflicting with their high programming ideals. There is an ongoing debate on the proper financing of broadcasting, the alternatives being a licence fee, advertiser supported services or more recently pay-TV.

This debate is heightened by the pressure caused by the competition for audiences between channels. This competition causes public broadcasters to move away from their programming principles and ideals towards entertainment-led mass audience building, relying on imported material, economizing on production costs or increasing the proportion of repeated material. The 'crisis of public service broadcasting' is especially dramatic in France.

Another issue which is still not sorted out has to do with the proper strategy for operating broadcasting systems. Established public service broadcasters used to be integrated organizations. They produced most of their programmes, compiled these into channels and distributed them. New broadcasters tend to rely on a different approach by assembling schedules from material bought outside of the organization. Because of

the growing programming needs, the dividing line between these two approaches tends to get blurred and the reliance on programming from outside sources is rapidly increasing. Increasingly broadcasters, both public and commercial, come to realize that they cannot hope to produce enough material at the price at which they can obtain material of US origin. Thus, it makes economic sense to import material and given its popularity to show it at peak times.

Trade in programmes has become one of the dominant issues in Europe, be it only for the fact that the channel multiplication has led to a huge increase in the capacity to deliver without adding to the capacity to produce programmes. This is the point where the United States comes into the picture. This situation has produced nightmares in some European countries, despite the fact that the United States has always been around as a programme supplier.

The US is the largest market for television programmes and the country responsible for very large volumes of output of material over long periods of time. The US market is so large and mature that first copy costs can be mostly recovered on domestic distribution, which is of course a decisive advantage and a competitive edge hard to beat when it comes to exports.

There are marked differences between the US and the European television industries, which account for many of the problems Europe encounters while trying to strengthen its broadcasting industry. The US television industry, catering to some 88 million households, earned over \$38 billion in 1988. Export revenues from the rest of the world, primarily Europe (\$844 million) amounted in 1988 to \$1.4 billion. The EC television industry on the other hand, although serving some 112 million households, was worth only \$17.4 billion approximately in 1988. Television exports accounted for only one per cent of total revenues of \$235 million. These figures only partially take into consideration the situation in the cinema industry which looks even less favourable for Europe. Companies of American origin control, on average, 50 per cent of film distribution in Europe.

Because there is already a conspicuous mismatch between supply and demand in Europe, which is likely to widen with the multiplication of channels, policy makers came up with several answers. One of these is the introduction of programme quotas in order to limit the import of film and television programmes from outside the EC. Although the compromise wording reached in the 1989 Directive is rather vague and not legally binding (a 'majority proportion' of transmission time should be reserved to European works 'where practicable and by appropriate means'), it led to severe US criticism as well as criticism from European TV executives who argued that they must have a free flow of programming from the US in order to make their channels attractive and profitable.

The US share of European TV programme markets is currently estimated at below 30 per cent, which means that despite the guideline of a 'majority proportion' of European works, there obviously is abundant room for a considerable increase in US sales to Europe. This alone should indicate that most of the American criticism has no real substance and that from an American point of view there is no real reason to be concerned about a worsening of the terms of trade because of alleged European protectionism.

The whole quota or local content issue should rather be seen as a method of protecting domestic industries in a manner that is akin to the 'infant industry' concept. The 'infant industry' concept is indeed relevant because of the fragmented nature of television broadcasting in Europe, which means, unless it is overcome, that European broadcasters are unable to engage in a continuous flow of high budget productions as long as they cannot recoup costs at home or in an extended European market.

The problem of the shortage of European programmes to fill the abundance of channels is quite fundamental and many people from the industry have a marked preference for joint efforts within Europe and with US companies in the production and programming field instead of trying to set up barriers that are likely to make the situation worse.

It is still very much open to question whether European countries, in spite of the Directive and EC supportive measures such as MEDIA '92, will ever be able to meet the 'majority' requirement of Article 4 of the Directive.

The EC Commission is aware of the problem and determined to take action in order to strengthen the programme industry, the more so now that it has come to realize that by itself the Directive is unlikely to spur an increase in European productions. There are several obvious reasons for this: non English-language programmes do not compete well in foreign markets which denies them the economies of scale needed to produce big budget quality programmes; national regulations and

particularly quotas have a marked tendency to serve only to increase artificially the volume of programme hours produced and the number of repeats shown.

In a communication to the Council on proposals for an Action Programme (19 April 1990) the EC Commission has outlined the main shortcomings of the European situation:

- The circuits for the distribution of audio-visual works on a European scale are inadequate. Evidence for this is the fact that nearly 90 per cent of European products never go beyond the frontiers of their country of origin. Consequently, better circulation of such products throughout the Community would help to meet the shortfalls in the supply of audio-visual products;
- This implies, of course, that European products can compete with US imports as far as their attractiveness and their price is concerned: this is far from evident since European production capacities are fragile, limited as they tend to be by the excessively narrow structure of the national industries;
- One of the reasons for the inadequate profitability level of European products has to do with the absence of a significant 'secondary market' for television products in Europe. One of the strengths of the US industry has to do precisely with the existence of several secondary markets through which programmes can cascade.

The programme proposed by the Commission sets out to improve the environment of audio-visual businesses without directly intervening in production. The measures envisaged are located up and downstream of audio-visual production along the whole length of the industrial chain. They deal with such diverse matters as training, pre-production, multilingualism, the use of new technologies, distribution mechanisms, commercial promotion, the creation of a 'second market', the strengthening of the financial framework etc.

The aim is to departition the national industries by promoting cross-frontier cooperation networks. Despite these meritorious efforts at Community level, doubt is still being voiced by industry analysts about the reality of the extended European market. They argue that for all the controversy and debate over the minimum guidelines, nearly all but those concerning advertising are 'woolly' and open to interpretation by individual regulatory authorities. Others, such as the Association of Commercial Television in Europe (ACT), are concerned with the whole wisdom of regulating a field which is currently undergoing fundamental transformations. This may, they fear, set restrictions for the future.

It nevertheless remains true that the Directive for one has contributed to a greater predictability and reliability of the regulatory environment new entrants in the field have to face. Hence the Directive will prove to be of great use to channels which are constrained by restrictive national broadcasting rules (e.g. the Netherlands), since it establishes once and for all the basic principles that channels which are authorized by the country of origin and which comply with its minimum standards cannot be blocked for either ownership, content, or commercial reasons.

There are however some tricky questions which are not dealt with by Community measures at this stage. The problems of cross-media ownership or multiple ownership rules remain unsolved at Community level. In view of the fact that large and frequently multimedia concerns with extensive market shares have gained ascendancy in Europe, regulation of these issues would have to pursue three conflicting objectives: viability of the broadcasting system, localism and diversity. Experience from outside Europe indicates however that the achievement of these goals is problematic where commercial television has come to dominate the broadcasting environment to the detriment of the public service concept.

The question of copyright is the other main unresolved issue likely to impede the freedom of broadcasters. Diverging national copyright laws could be used as a means of discriminating against broadcasters. The Commission has indicated recently (Fall 1990) that it is going to propose shortly consistent and relevant solutions to the problems which arise in relation to copyright protection because of differences between national regulations, the effects of international conventions and the complexity of recent technological developments.

James Lull *Inside family viewing: ethnographic research on television's audiences.*

Martin McLoone, lecturer in media studies, University of Ulster.

London: Routledge, 1990. 208pp stg£35.00, stg£10.99 (pbk)
ISBN 0415 044146 ISBN 0415 049970 (pbk)

Martin McLoone

The Audience Strikes Back?

James Lull has been, for a number of years now, a phantom presence in the work of a number of European researchers, appearing regularly in the footnotes of those writers committed to an ethnographic approach to the study of television and popular culture. As David Morley explains in the Preface to this collection of essays, covering a decade of Lull's ethnographic research, his work has, until now, been available only in a number of North American journals not easily accessible to European researchers in general. The publication of his work on this side of the Atlantic is, therefore, an event to be noted and welcomed.

Lull's research findings and methodological formulation may also prove to be both significant and controversial. I suspect though, that this might stem less from what he himself has to offer (interesting and informative as that is) but more from the way in which his work inserts itself into wider intellectual discourse. In a sense, this publication fills in a gap in the pre-history of a major trend in current European research, more familiar to us in the work of David Morley himself, Ien Ang, Janice Radway and, more controversially, John Fiske.

In the first essay in the book, written especially for this volume, Lull writes -

I am committed to rigorous empiricism (consistent with the methodological ideals of science), but I have been impressed by the theoretical visions of several cultural studies writers and believe that much of this work is on the cutting edge of communication research.

He acknowledges as major influences, the writers associated with the Birmingham Centre for Contemporary Cultural Studies (CCCS) and in particular, the theoretical formulations of Stuart Hall. The major significance of Lull's work, therefore, lies in his declared intention of bringing together the hitherto quite hostile discourses of American empiricism and European Marxist theory. The interest of these essays is in seeing how Lull attempts to devise empirical methodologies and theoretical formulations to effect such a seemingly impossible reconciliation.

Lull emerges here as a committed humanist. He provides us with a personal account of his disenchantment with 'classical' American communications research, with its emphasis on hypothetico-deductive logic, quantitative data-flows, scientific models and a mountain of dehumanized statistics. He has always been more interested in locating the human voice at the centre of the communications process and this has led to embrace the largely marginalized methodologies of ethnography. In this personal odyssey in search of the personal he hailed as kindred spirits those writers associated with the CCCS who have similarly broken with 'classical' Marxism and its 'de-humanized' master-narrative of economic determinacy. This debate within Marxism, and especially the CCCS appropriation of Gramsci and Althusser, seemed to legitimize Lull's own ethnographic inclinations and provide theoretical justification for validating the personal experiences of an audience perceived as relatively autonomous from the ideological operations of the text as well as from politico-economic determination.

The most interesting essays in this collection are therefore, those which address the question of empiricist methodology. (Lull himself has little to say in relation to cultural theory or about the operation of television texts. The real task of reconciliation, it seems to me, has been conducted by those writers in cultural studies who have in turn appropriated Lull for their own project.)

Indeed the essays collected here constitute an exemplary primer for all budding ethnographers. His major contribution to the field was to pioneer research into family viewing and he lays out very clearly and at some length how, and to what purpose this can be achieved.

Ethnography, he argues, is organized around participant observation, the use of informants and in-depth interviewing. The object is to understand 'the everyday world of social groups, their pattern of interpersonal communication and their uses of the mass media'. In relation to television viewing, Lull, quite correctly, has identified that the vast majority of viewing is conducted within the family (and those social configurations which pass for the family in contemporary society).

The method, when applied to television's primary audience, requires that the researcher enter the natural domain of his (sic) subjects - the family home. The willingness

and abilities of the researcher are strongly tested by the prospect of this intrusion into such a small and private social unit.

Lull offers advice on how this intrusion can be managed and makes suggestions on how families can be located in the first place (through Church groups, girls and boys clubs, Parent Teacher Associations, etc.). The result of all this is to demonstrate that family viewing is an active process and that television functions in a more complex way in the dynamics of the family than expressions like 'goggle-box', 'couch potato' or 'plug-in-drug' might indicate. Indeed Lull offers an impressively complex typology of family types and both the uses to which families put television and the kinds of pleasure they derive from it.

Now this is all very well, but a nod in the direction of Birmingham is not going to make the obvious objections to this kind of empiricist research go away. For example, no matter how interesting and informative his typology of pleasures might be, what in the end does it tell us that is new? That audiences watch television actively? The fact that audiences eat, drink, have sex, do their home-work or office-work, cook, wash, mend, and iron while watching television has been known by television schedulers and market researchers for years.

Furthermore, what motivates some families, and not others, to allow this kind of research intrusion? Perhaps precisely the kind of family which is likely to conform to the researcher's expectations? In other words, doesn't the researcher run the risk of 'creating' an ideal audience and an ideal audience response? Doesn't this intrusion, inevitably and always, change the viewing situation, no matter how skilled, diplomatic or self-effacing the researcher might be? How, therefore, can the researcher 'believe' informants? How, therefore, can we 'believe' the researcher?

Most questions will inevitably arise in relation to Lull's appropriation of ideology theory and theories of textual operation. In what is, perhaps, the key essay in this collection, Lull proposes what he calls 'a rules perspective' for television research. An important potential contribution of this rules approach, he argues, is that 'it weaves together issues of media criticism with empirical accounts of the relationship between audience members and sources of television programming ... Importantly, the rules perspective promotes analysis of audience members as *active agents in the creation of reality*' (my emphasis).

It is this crucial formulation, of course, which lies at the centre of much contemporary work (in Fiske, for example, it is dubbed 'semiotic democracy'). It leaves unanswered the objection that, as the CCS work has shown, television texts are not 'open' but at the very least offer to audiences a preferred meaning. It does not allow for the fact, central to all forms of Marxism, that audiences are already socialized in such a way that they have only limited and sanctioned access to discourses which allow for resisting preferred meanings.

The ultimate danger, of course, is a political one. If audiences are active agents (if the semiotic democracy exists) what is the point of mobilizing for social change, or for a different kind of television? There is no sense in Lull's work, for example, that different kinds of television might offer different (and one would hope 'better') pleasures. Isn't Lull's kind of formulation very close to 'the sovereignty of the consumer' which is at the centre of neo-liberal dismantling of public service broadcasting?

Finally, if as Lull maintains, audiences are active agents in the creation of reality, why does this not manifest itself more directly in wider political and economic discourse? And if I have missed something, why is it that the reality thus created is so conducive to the maintenance of the status quo - to existing economic power relations?

To answer these questions, I fear the skilled researcher will be forced to leave behind the personal voice of the audience and to re-engage questions of ideology. As Stuart Hall has argued -

... to think about or to analyse the complexity of the real ... necessitates the use of the power of abstraction and analysis, the formation of concepts with which to cut into the complexity of the real, in order precisely to reveal and bring to light relationships and structures which cannot be visible to the naive naked eye (Hall, 1980).

It would be churlish, of course, to accuse Lull of naivety - his own work adds a dimension to television studies which has been extremely influential. But I suspect that this work will now become a primary site for contentious debate and his humanist formulations will be used in evidence against him.

Reference

Hall, Stuart (1980) 'Cultural Studies: two paradigms', *Media, Culture and Society*, 2 (1).

Josephine Langham *Teachers and television - a history of the IBA's educational fellowship scheme.*

Brian O'Neill, lecturer in communications, Dublin Institute of Technology.

IBA Television Research Monographs, London: John Libby/IBA, 1990. 344pp.

stg£22.50

ISBN 086 1962648

Brian O'Neill

Teachers and Television documents a fairly unique phenomenon: critical research sponsored by a broadcasting institution and carried out by influential members of the audience. It is an account of the IBA's Educational Fellowship Scheme which over a period of seventeen years provided practising teachers with a unique opportunity to study the form and content of educational broadcasting. British educational television is admired throughout the world and is accepted as an essential component of the public service remit. Research about the purpose and uses of television in the classroom has however been fairly scant and up to 1984, when regrettably it finished, the Fellowship Scheme was one of the few programmes of published research on the educative role of broadcasting. From the hostile attitudes that greeted its introduction in the 1950's to today's reliance and indeed celebration of television's liberating influence, *Teachers and Television* is an historical record full of insight into the parallel development of education and broadcasting.

The idea for the scheme came from the IBA's Educational Advisory Council which initially considered financing Schoolmaster Fellowships for one university term for 'the training of teachers in the classroom use of television'. The scheme was later extended to a full year's scholarship and enabled teachers, broadcasters, researchers and others to undertake and publish research on a wide range of issues relating to broadcasting for the educational sector. In the early years, the main beneficiaries of the Fellowship Scheme were probably the participants themselves and it was the hope of the IBA that they would act as ambassadors for educational TV among their less enthusiastic colleagues. Curiously, educational TV began in Britain not on BBC but on Associated Rediffusion, a forerunner to Thames TV, in 1957. Schools broadcasting had been hotly debated for some time, particularly once it was known that the commercial network would be there first and with the blessings of the educational establishment, if not quite the teachers in the classroom. By the beginning of the 1960's television was in many of the nation's classrooms and, as Josephine Langham points out, came to be accepted as an inevitable but also useful part of modern life. Many teachers were concerned about the cultural values portrayed on television, particularly the commercial network whose introduction they had opposed, and they were slow to accept the new technology. However, as educational philosophy changed to being child-centred and as teachers accepted the need for more training, so schools broadcasting came to be an integral part of the curriculum both primary and secondary. Indeed, it was the introduction of schools TV for primary level that proved a breakthrough given the ease with which it was integrated into the system and the enthusiasm with which it was received.

It is against this background that Josephine Langham reconstructs the seventeen years of research that comprised the Fellowship Scheme. It was clear that research into the use of educational TV could be of enormous interest and benefit to the programme producers as well as the teachers. Over the course of the scheme many of the key issues of the day were taken up ranging from television in the primary school, media studies, science teaching on television, pre-school programming and indeed wider areas of adult education and community and social action broadcasting.

Inevitably the quality of the research did vary: teachers are neither broadcasters nor professional researchers. But they are the users of educational programmes and the Fellowship Scheme provided a mechanism for a considered and serious response to the efforts of broadcasters. The support of the IBA in this was crucial. From the outset they were prepared to take research findings seriously and ensured that the fellowships were hosted in universities with a proven interest in educational broadcasting. The author points out many examples of how research had practical applications in audience research and the development of not only new programmes but support services and strategies for using television more effectively.

A significant part of the Fellowship work has been published and has by now entered the mainstream of educational literature. A case in point is the work of Len Masterman who as a result of research under the Fellowship scheme in 1976 wrote the seminal *Teaching about Television*, a landmark in the development of television studies in schools. Masterman's book provided the key to the popularization of media studies as a subject by combining a solidly practical approach with a challenging theoretical

foundation for media education.

Other Fellowship work has also been available through such journals as *Independent Broadcasting* and the *Journal of Educational Television*. In a useful appendix to this book, the author provides a summary of those reports produced up to 1970 which were necessarily more limited in scope and have not been previously available.

While much of *Teachers and Television* is retrospective in its analysis, it is also a timely intervention in the current debates on reforming British broadcasting legislation. A commitment to education is part of the so-called quality threshold that television companies will have to pass in their bid for regional franchises. However, the re-regulation of broadcasting whether on the basis of financial viability or some notion of a 'consumer-driven' market, as the jargon has it, is a much less secure foundation for the development of the use of television in the classroom. It certainly would not have been sufficient for the type of enlightened co-operation of which Josephine Langham's book is an admirable record.

Patsy Murphy, lecturer in communications, Dublin Institute of Technology.

Mary E. Brown *Television and women's culture: the politics of the popular*

London: Sage, 1990. 272pp stg£25, stg£8.95 (pbk).

ISBN 08039 8229 1 ISBN 08039 8228 3 (pbk)

Patsy Murphy

Television and Women's Culture contains a selection of essays that examine television popular culture programmes through a feminist perspective. The argument put forward by Ms Brown and adhered to by the contributors is briefly that TV programmes, which are often dismissed as mere dross, play an important role in women's lives in that women use such programmes as means of 'negotiating their own meanings and their own aesthetic appreciation'. Thus for example, quiz shows are looked at in one essay, not as a mere manifestation of greed allied to competition but a forum for women to use those underrated skills that they have acquired in their domestic lives. To wit shopping and indeed the book makes some interesting observations about the social role of the department store and the shopping mall in women's lives.

The problem with such a collection is that some of the arguments are perforce more persuasive than others. I would draw the readers attention particularly to 'Cagney and Lacey Feminist Strategies of Detection' by Danae Clark which is both informative and illuminating. Quoting Rosenzweig's summary that *Cagney and Lacey* is not a show about two cops who happen to be women but about two women who happen to be cops, Ms Clark deftly illustrates how the popular series deals with personal life, decision making processes, female bonding and the use of private space and time. Of similar worth is Lisa A. Lewis's essay 'Consumer Girl Culture: How Music Video Appeals to Girls' which makes a perceptive and strong case for showing that Madonna and Cyndi Lauper have used the medium of the rock video to subvert it and remove it from male domination. My enjoyment of the *Cagney and Lacey* essays was enhanced by the fact that I know the series very well. My enjoyment of Ms Lewis's essay was in no way dimmed by the fact that my acquaintance with rock video is slim to say the least. I found the thesis intriguing and the essay - oh rare delight - celebratory of women. I'm now eager to watch a Madonna tape and have been humming Ms Lauper's 'Girls just want to have fun' ever since. I would suggest a reading of this essay could usefully be followed by a screening of Margo Harkins's award winning film 'Hush-a-bye Baby' - noting the use the director makes of Ms Lauper's song in this fine film.

Not all essays are as good. Andrea Press's essay on the difference between working class women's reaction to *Dynasty* and the reactions of middle class women to the same programme, whilst having good material to hand seemed in the end naive, dull and despite its feminist perspective, patronizing. Ms Lewis's conclusion is that middle class women enjoy the machinations of Alexis et al. as fantasy whereas working class women see the behaviour as real. This surely must be related to one's knowledge of the world as one encounters it. A reader of HH magazine or for that matter the *Hello*

may well view the lives of the non fictional rich as being similar to the lives led by Krystal and the Carrington entourage. Surely it cannot have taken years of research to discover that 'the primary function of romance reading for middle class women was that the act of reading itself gave them the time away from their duties to husbands and children, time for themselves alone', an activity that Ms Press finds analogous to watching *Dynasty*. Ien Ang's essay on 'Melodramatic Identifications: Television Fiction and Women's Fantasy' uses *Dallas* as a text and delivers its thesis with much more verve.

A lively Australian essay 'Women Audiences and the Workplace' in which female tele-sales operators describe how they incorporate the narration of their favourite TV soaps into their working lives, merits attention for the vivid picture it gives of working women as much as for what it tells you about their relation to TV.

Television and Women's Culture has the virtue of concentrating on a field of television too often dismissed and rarely looked at from a feminist perspective. Its problem lies in the fact that the worth of the perspective offered varies considerably. When it is good it is very very good; when it is bad it is not horrid just rather dull.

Jean Baudrillard *Cool memories* Translated by Chris Turner

London: Verso, 1990. 240pp. stg£29.95, stg£9.95 (pbk)

ISBN 086091 500 X ISBN 086091 283 3 (pbk)

Richard Kearney, associate professor of philosophy, University College Dublin.

Richard Kearney

Cool Memories is just that bit too cool to be true. In fact, truth no longer exists for this author; and facts are merely imitations of facts. The world, as we think we know it, is no more than a simulation. But worse, it's a simulation without any original to simulate. The old reliable distinction between artifice and reality has collapsed.

Given this epistemological thesis, it is not surprising to discover that the American dream factory has become a favourite stamping ground for Jean Baudrillard in recent works. In *Simulations* and *Simulacra* he had this to say about the all-pervasiveness of the US image industry epitomized by Disneyland:

Disneyland is there to conceal the fact that it is all of 'real' America which is Disneyland. Disneyland is presented as imaginary in order to make us believe that the rest is real, when in fact all of Los Angeles and the America surrounding it are no longer real, but of the order of the hyperreal or of simulation. It is no longer a question of a false representation of reality (ideology), but of concealing the fact that the real is no longer real...

In America he explored this play of interminable simulation in all its everyday folly, the tone being one of ironic revelry and irreverence. With *Cool Memories* we get what the author calls 'the other side of America.' Written in the form of a desultory diary which never takes itself too seriously, it nonetheless explores the darker sides of the postmodern 'société du spectacle'. It probes the silences, the omissions, the brutalities, the absurdities that float about in the wreckage of a modern world suddenly abandoned by the strong ideologies of Messianism and Marxism. Having travelled from the Marxist Left of the sixties to the all-American frisson of the seventies, Baudrillard now finds himself wading through wavelets of melancholy, trying to make some sense of the bric-a-brac of postmodern consumer culture, trying to salvage - or at least savour - some pleasure from the flotsam and jetsam of our increasingly fragmented experience.

The eclectic contents of the book itself testify to this miscellaneous mood. The mimum-gatherum of Baudrillard memories include everything from A to Z, and in no particular order: Alfa Romeos, the Antarctica, AIDS, bureaucracy, Borges, the Berlin Wall, Jean Baudrillard, Catholicism, cats, California, cloud formation, DNA, dogs, Foucault, feminism, French fashions, Lech Walesa, Lacan, leukemia, mattresses, mud wrestling, memorials, Palermo, pornography, the Pope, snow, Stevie Wonder and Alexander Zinoviev. The list, as is obvious, is arbitrary. I could begin or end anywhere. And that's precisely the sense you get from *Cool Memories*. Cool to the point of

cynicism. Though it is, to be fair, a cynicism turned in upon itself. A thanatos of self-torment and self-deflation. Like when he lays into the Parisian cult of the philosopher, having just let us know that the former French Prime Minister, Laurent Fabius, had invited the author himself and other celebrated French intellectuals to an after-dinner think-in about the need for political vision. One gets the uneasy impression that once the world has been americanized, nothing really matters any more. Everything becomes weightless, unbearably light, non-committal. Life itself becomes a quotation - to quote Baudrillard quoting Borges quoting one of his fictional quotes.

It is true that the author does express his dislike of the new culture of 'air-conditioned intelligence'. But the dislike is no longer grounded on any principle or political commitment. Principles and grounds have gone out the window - along with metaphysics, god, Marxism, morality and the human subject. The operative mood in these memories - whose only real sequential order derives from the fact that the five sets of entries are recorded every October over a five year period - is one of loss. Slippage. Absence. Dispersal. Reflections of homo absconditus.

The author himself likes to call this postmodern mood 'melancholia'. The kind of after-taste you might get from a Marguerite Duras or Thomas Pynchon novel; or a film by David Lynch or Peter Greenaway. I'm not sure that 'melancholy' isn't too heavy a word for what Baudrillard is at. It's more like a brilliantined necrophilia - an extraordinarily talented mind feeding off its own bitter-sweet angoisse. Baudrillard's description of driving in California serves as an apt metaphor for the book itself: "Gliding along the road that runs beside the coast in a black Porsche is like penetrating slowly into the inside of your own body".

The *New York Times* has hailed Jean Baudrillard as a 'sharp-shooting lone ranger of the post-Marxist left'. More like Custer after his last stand.

Notes for Contributors

1. *Irish Communications Review* aims to provide a forum in Ireland for research, analysis and discussion of all matters related to media communications and to communications studies. Media communications encompasses broadcasting, film, journalism, public relations, advertising, media education, etc.

Studying the media within their political, cultural and historical contexts, it seeks to encourage the exchange of ideas and experiences, and to present information on new developments relevant to the field. International as well as national issues will be examined.

Irish Communications Review is divided into sections covering research reports, analytical articles, documents, statistical data, and book reviews. From time to time, it will contain visual, pictorial and photographic essays.

2. *Irish Communications Review* welcomes contributions from practitioners, academics and researchers. They should be addressed to the Editors, *Irish Communications Review*, Department of Communications, Dublin Institute of Technology, College of Commerce, Rathmines, Dublin 6, Ireland.

3. Contributions to the journal may be made under any of the following headings: a) Articles, normally 4,000 to 6,000 words, excluding tables, illustrations and references; b) Reports and commentary accompanying documents or data, 2,000 to 4,000 words; c) Book reviews, not exceeding 1,000 words; and d) Pictorial, photographic and visual essays. While we welcome unsolicited book reviews, potential reviewers should consult the editors before undertaking a review.

Publication is not automatic, and all editorial decisions are taken by the editors with relevant advice where appropriate. All contributions will be acknowledged.

4. Contributions must not have been published elsewhere with substantially the same content or simultaneously be under consideration for publication elsewhere.

5. Contributions may be submitted in two ways: a) typewritten on A4 paper, single-sided and double-spaced; b) on computer disk, specifying the word-processing package, and accompanied by hard copy. All contributions must be submitted in triplicate and complete in all respects. Pages should be numbered consecutively with generous margins. A separate sheet should contain the title, author's name and affiliation(s) in the form required for publication, and a biographical note of not more than 100 words. Contributors of articles are asked to submit an abstract of 300 words.

British spelling should be used. The text should be sub-divided by section headings where appropriate.

6. Footnotes, numbered consecutively, should be used sparingly and placed at the end of the article; they should apply only for substantive material whose inclusion in the text would be distracting. Citations in the text should follow the 'author-date-page' system, as per Sheehan (1985:5) or (McLoone and MacMahon, 1984:10) or (Clancy et al., 1986).

7. References, under the heading 'References', should be placed alphabetically at the end of the text. Multiple entries by an author or set of authors in the same year should be postscripted a,b,c (1988a, 1988b, 1988c), etc.

Citation formulas for references should be as follows:

Sheehan, H. (1987) *Irish Television Drama. A Society and its Stories* Dublin: Radio Telefis Eireann.

Bell, D. (1985) 'Proclaiming the Republic: Broadcasting Policy and the Corporate State in Ireland', *West European Politics*, 8(2).

Kelly, M. (1984) 'Twenty Years of Current Affairs on RTE', pp89-106 in M. McLoone and J. MacMahon (eds.), *Television and Irish Society. 21 Years of Irish Television*. Dublin: Radio Telefis Eireann.

8. Tables should be numbered consecutively, with clear and full captions. Illustrations, tables or maps borrowed from published sources are accepted with the proviso that written permission has been obtained from the copyright holder, and a copy of that permission accompanying the manuscript. Original illustrations or photographs are accepted with the proviso that the original artwork or good quality black/white photographs are supplied.

9. Copyright in publication rests with the publisher, although it is accepted that the publisher (DIT, College of Commerce) will not place restrictions on the author's use of material contained in the paper in subsequently published work.

10. Authors will receive five off-prints of the published version of their article plus one copy of the journal.

